

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPE AMENDMENT 14 (MPA) PUBLIC HEARING

**Morehead City, North Carolina
January 27, 2004**

Summary Minutes

The Marine Protected Area public meeting for the South Atlantic Fishery Management Council convened in Morehead City, North Carolina, on Tuesday, January 27, 2004, and was called to order by Chairman Robert Louis Southerland.

Mr. Southerland: I'm going to read this statement to you, and then we'll start the meeting. Good evening, ladies and gentlemen. I am Robert Southerland, and today I am acting as the chairperson on behalf of the South Atlantic Fishery Management Council.

Other members of the board are Dr. Louis Daniel, and then we have the staff with us, Dr. Kathi Kitner who is our social anthropologist, and our lead biologist is Kerry O'Malley with the MPAs, and then we have our staff, Julie O'Dell.

We would like to thank you all for taking the time to be here this evening. The purpose of this informational public hearing is to give you the opportunity to comment on the social and economic impacts that may be associated with specific marine protected area sites that are proposed to be included in the Amendment 14.

It is the council's intent to gather information that is not available through traditional data sources, such as logbooks and surveys, and so on, so that the council has the best possible information before any final decision is made.

The 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 the Snapper Grouper Amendment 14 are included for comments during this informational public hearing tonight.

A second round of public hearings, likely to be held later this year, will take a more traditional format and enable you to comment on all alternatives, including proposed MPAs to be considered in the Snapper Grouper Amendment 14.

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 Fisheries Management Plan.

The informational public hearing will be conducted in the following manner:

First, Kerry O'Malley of council staff will present a brief overview of the issue. Following the council presentation, there will be a short period to allow for your questions.

Then I will call you to the podium to make short statements on specific impacts of the proposed marine areas that are likely to affect you in this area as snowy grouper MPAs. Everyone that wishes to provide input will be called upon.

After everyone has had a chance to speak on snowy grouper MPAs, Snowy Wrecks, we will then proceed through the list of the other eight proposed MPAs in the same manner until everyone has had a chance to provide input on the impacts of all proposed MPAs.

So everyone understands it, I'm going to keep talking about the social and economic impacts these MPAs will cause in you all's fishing activities. Kerry.

Ms. O'Malley: I'm just going to stand up here so everyone can see me. Please speak up if you can't hear me. Again, my name is Kerry O'Malley. I'm a staff biologist with the South Atlantic Council. I recognize some of your faces. I know you've seen me here before.

A few things real quick about tonight's meeting, Robert has already touched on some of them. This is the first of two public hearings on Snapper Grouper Amendment 14. It's important to know this: No final decision will be made after this meeting tonight, so those of you that are familiar with the council process, this is being done a little differently.

We usually have one round of public hearings and then the council will make a decision and submit whatever they're working on to the National Marine Fisheries Service, but because it's a controversial topic and because we need a lot more data to develop an amendment, we're coming out early, and we're talking to you before any final decision is made.

There will be another public hearing, maybe later this year-early next year so everyone will have another opportunity for comment. It's not traditional, because we're looking for information from you to be used in a draft amendment.

We have a lack of social and economic information, especially when it pertains to areas that people fish in, so we're here tonight asking people to offer some information about what sort of impacts a site would have on you if it were closed.

Thirdly, and this is really important, we'll go into this a little bit more in a second, all the management measures that may be included in a possible Snapper Grouper Amendment 14 are not here for discussion tonight, and I'm going to go into why.

A couple things that are familiar to those of you who have been in process, this is traditional in the fact that it will be video recorded and audio recorded. All of the video tapes will be sent to all the council members in all the states.

That means a council member from Florida, who is voting eventually on this decision, will have access to your input even though he or she may not be here tonight. And all the meetings are transcribed and available to all our council members and the public.

Real quick, I'm going to go into this, and this is where it may get a little confusing, but we're going to try to work through it and you can ask questions after. But as I mentioned before, not all management measures that are included in Amendment 14 will be available for discussion here tonight, and that's because of the way the council is working through a couple processes right now.

You may be familiar with the fact that the council is also developing an amendment called, "Snapper Grouper Amendment 13B". This is an amendment that deals with some bureaucratic topics of fishery management, such as fulfilling the legal requirements of the Sustainable Fisheries Act, which, if you know, that is the Act that we operate under.

That's what we have to fulfill when we manage our fisheries. Some of the things that we have to do under that Act is define maximum sustainable yield for all the species in a fishery and optimum yield for all the species in a fishery.

Those are very sort of tedious things. They're scientific things we come up with, but what comes out of that are management measures that the council may have to take if species are determined to be overfished.

Originally, every species, all 73 species in the snapper grouper complex, were going to be included in Snapper Grouper Amendment 13B and maximum sustainable yield, optimum yield, rebuilding plans were all going to be included for all species in 13B.

But because we were moving forward with a separate Amendment 14, looking at marine protected areas for deep water species, the council decided it was more appropriate to look at other management measures for deep water species in Snapper Grouper Amendment 14.

This change took place in October. The council has yet to develop what other management measures may happen, so the council decided we still need to get out. We need to get this information on MPAs, like I said, because it's controversial, and because we're lacking so much of it.

But we will come back out to public hearings with all the other options that may be included in Amendment 14 later this year or early next year, so you're not missing any opportunities to comment. We're just getting back into the swing of how we usually do things, but this is just an extra opportunity to comment.

Just so we all are on the same page with what we consider "deep water species" -- that may be different than what you think of -- we have eight: speckled hind, snowy grouper, Warsaw grouper, yellowedged grouper, misty grouper, golden tilefish and blueline tilefish.

The reason why we're looking at deep water species specifically for marine protected areas, some of the reasons are because they're long-lived. I have up here one example we cite in the paper that there has been a yellowedged grouper aged to 85 years.

That's a really long time, so we have to start looking at managing them maybe a little differently than we would manage other species. Also, they're slow growing and late to mature. As you all know, they're caught in very deep water. A lot of times, if they have to be thrown back for management reasons, they don't make it back, so we have to look at different ways to manage them.

Because not everyone has been involved the whole process, unfortunately, we have to tediously talk about what got us to this place. The council has been doing this since 1990. That's 14 years.

We're not rushing through this process, as you can tell. We first proposed possibly doing marine reserves in the early '90s, and we still haven't done it, so there has been plenty of opportunity for input.

The council started by holding scoping meetings in 1992. Those were the first three rounds of scoping meetings. So there will be three rounds of scoping meetings and two rounds of public hearings by the time it's all said and done.

There has been a lot of mixed reaction. There has been a lot of controversy, as you can imagine. But every time the council has met to look at this, it has come back to the same thing: we need to do something different for these deep water species.

Many of you are familiar with Snapper Grouper Amendments 8 and 9. They probably affected a lot of you in many ways. Snapper Grouper Amendment 8 was the limited entry fishery for the commercial fishery. And Snapper Grouper Amendment 9 gave you commercial bag limits and size limits.

The council does have a Marine Protected Area Advisory Panel that has been following us through this process and has voted numerous times that they do believe that marine protected areas are the way to go in this process, so we're getting input from the public in many different ways.

There have been the scoping meetings. Our advisory panel is one of our largest advisory panels. It's made up of commercial fishermen, recreational fishermen and environmental community members.

When we talk about marine protected areas, we all mean different things. You guys have heard of marine reserves. In Florida, they have marine sanctuaries. You have the Monitor Marine Sanctuary off of North Carolina. Everyone has a different idea, so let's figure out what the council is talking about.

This is the council's definition of a marine protected area. It's very generic. What we're talking about are areas of the marine environment that are managed for the primary purpose of aiding in the recovery of overfished stocks and to ensure the persistence of healthy fish stocks, fisheries and habitats.

That probably doesn't tell you very much, right? Here is what matters probably to most people. The council has defined four types of marine protected areas that they would possibly use as management tools.

The first one would be a permanent closure, no take. This is the one that you hear about most of the time when you read articles in papers or hear about controversy. It's just what it sounds like. It's an area that is closed permanently; no fishing is allowed.

The second one is a permanent closure with some take allowed. It's highlighted, because that's what we're here to talk about tonight. This is the way the council is considering going with the marine protected areas it is looking at.

What this means specifically to the Snowy Wreck site that's off of North Carolina, the sites off of South Carolina, is an area that would be closed permanently to some type of fishing. In this case, that would be bottom fishing for snapper grouper species.

But some take would be allowed. In other words, if you trolled for dolphin or wahoo or sailfish or mackerel, that would all still be allowed. Specifically, it would be a prohibition on fishing for snapper grouper species.

We also have two other tools at our disposal. That's an area that would be closed, say, for spawning and just while species were spawning. If we knew they were closing, we could close it down and not allow any take, open it back up when the spawning was done.

Finally, a spawning area closure where you could only close it, say, for snapper grouper species spawning but allow trolling through the area and then open it back up to everything when the spawning was done.

Again, the second one is highlighted. We call it a Type 2 marine protected area. That's what the council is looking at for a tool with the exception of a type that I'll go through in a minute.

This is just some more information. It's all in the document that you guys have that just talks about the timelines, how long the council has been at marine protected areas and how many times we've been out to the public.

These sites did come from the public. We did a scoping process in 2001. We asked the public to put boxes on maps, literally. The council didn't want to have a top-down process. We wanted to have a bottom-up process. So using our advisory panel and the scoping process, we asked the public to put these boxes on maps, and these are what we came up with.

So now that puts us here. We're holding informational public hearings. Again, they're different because we're not making a final decision afterwards. You guys are the second state. We were in Florida last week where we held three. We're going to hold one here tonight; then we'll be in Wrightsville Beach tomorrow night; then we'll meet down in South Carolina and Georgia.

I'm going to go through the sites. I'm going to show you maps of all the sites. As Robert said in his opening statement, you have the opportunity to comment specifically on all the sites if you wish to.

You may go down to Florida on vacation and happen to know the sites down there, or you may fish off of South Carolina, but we'll initially just focus on the sites that are closest to you, that you're probably most familiar with.

This is what we call the proposed "Snowy Wreck MPA." We have it down as 57 miles southeast of Southport. I want to make sure it's clear. You see there are two options up there. There are two separate boxes, two boundary options. The council would only choose one if the council were to choose a box.

Here is what we call "South Carolina A". You can tell we got really creative when we made up some of these names. These are about 60 miles off of Little River Inlet. Again, there are three boxes there.

The council does not intend to look at establishing three marine protected areas. Those are just three possible options for boundaries. If the council were to move forward, they would only choose one.

Again, no fishing for snapper and grouper would be allowed, but trolling would be allowed through these areas. "South Carolina B" is about the same thing, about 60 miles off of Charleston. There are two boxes. The council would only choose one.

This is a site off of Georgia. It's off of Brunswick, Georgia -- 50 or so miles off of Brunswick, Georgia. These are two possible options for an MPA off of North Florida. One is unique to Jacksonville. One is unique to St. Augustine. But there would only be one box.

This is a spot called "Sea Bass Rock" which is about -- it's our closest one inshore. You guys will think it's probably interesting that it's nine miles off shore, and it actually holds a lot of deep water snapper grouper species. We're not so used to that up here, so it's quite different down there. And an area off of the Keys in Florida called the "Florida East Hump" and "Unnamed Hump."

This is all, of course, probably going to be of some interest to you. You see that small box on the screen? It's called the "Experimental Artificial Reef MPA." This is a little different than our other MPAs.

When the council -- in all the 14 years we've been out to public hearings or scoping meetings about MPAs, we've constantly heard, why can't you just take some sand bottom, create an artificial reef MPA, shut that off to fishing and let us have our bottom, at least for fishing.

There is a lot of scientific debate over whether or not that would be a good thing or a bad thing and whether or not it would even work, so the council has compromised and said, let's give it a try and see if it would work.

We also need to try to find out whether or not you could have a site where fishing could happen, whether it could work close to shore. So this area is an area where nothing exists, and if the council were to create an MPA there, they would, hopefully, work with the state and add artificial reef materials to it.

And this area would be proposed -- it's the only area that is proposed to be a Type 1 MPA, which would mean no fishing in this area, if it were to be created. Again, we've been told nothing exists there now. There is no bottom there now, so it would be, of course, an artificial MPA.

And then South Carolina decided that they would like to try that, too, but they'd like to experiment with one of these areas in deep, deep water. And so this, again, is sand bottom. If it were to go through, an artificial reef would be placed there. This would be a Type 2 MPA, though. And right now, there is nothing there.

So what we need from you tonight -- again, this is different, because we're not here to debate whether MPAs are good or MPAs are bad. We've been doing that for 14 years. What we need tonight is information from you on how this would affect you specifically if this MPA were to come in to this area.

What we need you to tell us is: What type of fishing you do? Where you fish out of? How many bottom fishing trips do you make in a year? Do you troll in that area for anything? What main species do you target when you fish that site? And what other areas would you fish if that site were closed?

What we're trying to get at is what the socioeconomic impacts of this site would be for this area if, say, the Snowy Wreck MPA were to actually be implemented by the council. The better information we get, the better job we can do in making sure that the regulations are right for the people and right for the area. That's everything. Thank you.

Mr. Southerland: Are there any questions for Kerry about the information she presented?

Mr. Jerry Schill: I'm Jerry Schill, North Carolina Fisheries Association. Just on the presentation itself, I noted that the definition of an MPA is for the recovery of overfished species, but yet the proposal is permanent.

Okay, if they're not overfished any more, why is this a permanent closure? Or is the definition maybe not tweaked? I mean, we're assuming, of course, that they're not going to be overfished

forever, so if they're not going to be overfished forever, why a permanent closure?

Mr. Southerland: That's a very good question, Jerry. What comes to mind to me, as a fisherman, that these fish are much long-lived. Some of them live to be 85 years old. I'm not trying to say that I'm for or against MPAs. In my lifetime, I hope to have a liaison for most of the species that have short years.

Mr. Schill: I would agree with you. I would agree that _____ but also permanent species. My question is, well, you have something that the council is going to have to set up now in terms of sunset contrary to the VPA. Some of them may not be concurrent. In the scientific literature, one of the primary _____ of the MPA is _____.

I would like to take just one second, too, to straighten out the comments tonight and also just briefly expand a little bit on this experimental area. I'm really interested. Personally, I have to take full credit or blame for this site.

When we've met in previous public hearings on the fisheries, our fishermen, the North Carolina guys, were real interested in this concept of artificial refugia, to build artificial reefs, close them to fishing, and yet nobody would lose any productive bottom.

We could do this over sandy bottom where nobody was currently fishing. So I'm curious to know, is this, indeed, an area where nobody fishes? If it is an area where people fish, then we'll move it, because that's not a "set in stone" area.

Secondly, the idea is to establish this artificial refugia, monitor it and compare it to other artificial reef sites that are fished but also test it for enforceability, because that is, amongst the council folks, one of the few biggest concerns that we have. We've had our Law Enforcement Committee dealing with this issue. But one of the biggest concerns that the council has right now is the enforceability of this.

With the Coast Guard spending a lot of time on homeland security, and rightfully so, and not as much on fisheries regulations, the question is, does taking away this bottom, is it enforceable? And if it's not enforceable, then it probably is not a valid management technique.

What we've done with Amendment 14 -- this may be a little bit confusing to some folks, is we're solely focusing on marine protected areas in 14. After discussing this issue in December, what we decided to do was have Amendment 14 be the deep water amendment.

MPAs were only one of many management options to deal with deep water grouper. We may just end up with a reduction or spawning season closure or a combination of spawning season closures and MPAs.

We don't know exactly what, because we don't have the _____ back yet. So we had the deep water data workshop in November in Charleston. We won't have the final assessment on the snowy groupers and golden tilefish until we get this information in August.

So don't think for a minute that any decisions have been made on this issue and whether we need to move forward with MPAs at this particular point in time. It may be that it's not an appropriate mechanism to use for the deep water complex, particularly, if we can't enforce it and we can't quantify the benefits of it.

So the quantification of the benefits, how it impacts the fishery and how it reduces harvest is where you come in tonight, for you folks that have fished that area and will probably have more of a chance to fish it down south tomorrow night.

But what kind of reduction in harvest would you get in closing this area permanently? Would there just be a shift into another area, and it wouldn't really result in reductions in harvest? Those are the kinds of things we're trying to get from you tonight.

You've heard a lot about the pros and cons of marine protected areas and such. But what we're really interested in are these boxes on the wall and what the impact of that would be on you folks here or wherever you fish.

Mr. Southerland: All right, any more questions? Seeing none, we have some people who _____ . The first person I have is Robert Freeman. Well, there's no order. You go first.

Mr. Robert Freeman: I have a question. Did you want our questions and comments specifically to the proposed areas? Looking at the map on the wall there, I can't exactly figure out where that spot is.

My interest is I target deep water snapper grouper, and I catch 100 percent of my fish in 400 to 600 feet of water bottom fishing. We made 109 trips last year, and the only time we didn't fish there was basically a situation where the current _____ commercial permit with the guidelines _____ at that time _____

The areas we fish most of the time are from about the 300 line to about the 850 line in 60 to 100 fathoms in that area. All the economic impacts, to me -- there are not that many boats in this area that go up and down the coast. That type of fishing is our bread and butter. It is what I do, and a couple times _____. There aren't that many charter boats being bought that the utilization of input from boats like mine -- I felt like I was being unrecognized.

At one time I submitted data to the boats from Florida that were gathering data on catches of Florida-based mackerel, and some months the data wouldn't even show up. Some of that would be a little bit clearer if I understood what was being said, having less than 4 individuals or businesses permitting data when there is some law that prevents them from being able to use that data.

Since I'm the only one in this area, my data, it's what I make, it never gets serviced or put or put there. It is a significant impact on my business if _____. I feel like if you look out there, these fish are segregated quite often through various small _____. Anywhere you

find wrecks or rocks or something, you'll find fish, so it's a matter of habitat.

Everything out there is looking for something that gives them a place to hide. Any kind of structure you put there gives the fish a place to hide, and then those little fish hiding there is going to bring the big fish in.

It seems like there are more and more restrictions on that fish, _____. To get more restrictive than that, then it will eventually get to the point that I can't attract customers to come down here from New York or Western North Carolina, that sort of thing.

My gross business in a year's time -- 90 percent of that money goes right back into this dump, It takes fuel, dock admission, boat repairs, all that kind of stuff. _____ I'm involved with there. You look around this area. There are lots of docks, lots of boats in the water, lots of people selling boats, lots of people repairing boats, and motels and restaurants that rely on these fishermen to _____.

Mr. Southerland: Can I ask you one question? Do you think the FPA to be any _____?

Mr. Freeman: You've got to create a myriad of, hopefully, some large fish to be there _____ bottom fish _____ navigation _____ psychologically _____ commercially _____. The eggs are going to drift in that current out there. The egg just lays in that protected area. If it doesn't stay there, it's going to drift somewhere else. We've caught snowies using a breathing hole _____.

Mr. Southerland: The next speaker is Woo Woo Harker.

Mr. Harker: To answer your questions, specifically, because you had a whole bunch of stuff that doesn't even pertain to it, so I'm going to get started on it. We run about -- if we don't have any hurricanes, we run between about 160 to 170 trips a year bottom fishing.

And we'll do about 30 trolling trips a year. So we get out close to 200 days at the fate of the weather. Of course, the MPAs that have been proposed off the North Carolina coast were not -- they don't want you to take the heads off. I'm speaking specifically out of Morehead City, where would this affect any of the other headboats out of Morehead City.

What worries me about it, we're going too fast from Amendments 8 and 9 to Amendment 14 -- what bothers me is whether or not we'll have 15, 16, 17. Then we're looking at deep water MPAs. What happens if we're going to have some shallow water MPAs move in in the future? That would probably bother us a whole lot, you know, not only here but in South Carolina, Georgia, Florida.

One of the things I was very encouraged about -- I'm also on the advisory panel for the snapper grouper board. One of the things I was very encouraged about on the last council meeting I attended down in Wrightsville Beach in December, was that finally, somebody realized that one rule is not justified for the whole Southeast section.

In other words, a particular problem that is occurring, say, in the Florida Keys or off of Miami where you're on the edge of the Continental Shelf, where it's only a half a mile or a quarter of a mile or a mile to the beach, hasn't got anything to do with here off North Carolina where you might be 45 to 60 miles to the Continental Shelf depending on the direction that we head. In fact, that's what we have to go to.

It looks like that is going to be addressed. And there's no way you can have one rule for everything. MPAs, I think you asked Mr. Freeman there what did he think the benefit was. If a fish built little fish houses with little fish hammers; and they had little fish communities; and they lived there; and they were domesticated like people are, I would say, well, it would do a whole lot of good.

But the fish is a cold-blooded animal. They are wild. They are not friends. They're not pets. And they're driven by two things: their appetite, food source; and I think to a big degree, myself, water temperatures.

Now this one specific area that -- obviously, if it's a place you can't fish, and if there's something there, he's not going to get caught, not with a hook and line. But he's not going to stay there. And you say, well, I've heard so many sob stories, fish don't move.

Just think about this, if the fish don't move or even if they were restricted into a 5-mile area, there wouldn't be no fish, because they're always coming from somewhere to get to somewhere else.

They're always replenishing themselves, and they're not -- it's not all boiling up in the same area. Now I know that. Every year that we go fishing, some years I might catch fish the same place that I went a year ago. I put it down and I say, well, this looks like a similar day, it's getting about that time, we'll check that out. The next time we go there, whew, we'll catch some.

Everything is always changing. It's always moving. You're talking about the ocean. It's got ebbs, floods, cold water moving in, all kinds of dynamic things happening, up swells. That's why I don't think you're going to get that much benefit from MPAs.

And look at -- of course, you were at that last meeting, look at the rules that are being proposed that are even more of the restrictive nature that's coming. That's going to do more for fish conservation than any MPAs could do.

Now I'll say down off of Miami, like I just said earlier, where the shelf break is a half a mile off the beach, you've got thousands and thousands of people, it might do some good, but I don't really think you're going to see that much difference there because look at the strong amount of current you have.

I mean, if a fish spawns, where in the world are those eggs going to be three days later? So I

don't really think that you're hitting on that. That's my own personal opinion. Not everybody on the MPA Advisory Panel -- it wasn't unanimous that we all thought that MPAs were a great idea.

Although I can't quote exactly what they said or even remember their names, I have read enough about it that there were enough in the scientific community in Australia and from the Virgin Islands that there were just as many that suggested it was a great idea, there were just as many that said you're beating a dead horse and not doing any good.

So, I wish you the best in the world with it, and I kind of -- how it would affect me specifically now at this time, it's no problem. But it's just -- it hasn't been that long ago since we had Amendment 8 and 9.

It seems just in a flash, well, we've got to do something else. And just a little bit later on down the road, well, that's not working; we've got to do something else. It seems like everything inside that roller coaster -- you've got one other thing that was mentioned at that last meeting, and I think Dr. Crabtree said it. My mind is kind of in a blur about it, but I think he said, "This time we're going to let it set for a while rather than jumping the gun and moving forward real quick with something else before something else has even had a chance to work". That's my best opinion of it.

The inshore one, I think anything that you create to hold a fish _____, I think it's a great idea. One more last thing. Enforceability, you can enforce me because I'm not going to break the law, no way. With the commercial boats, the bona fide people that fish day in and day out, they're scared to death they're going to do something wrong. They're not going to break the law.

But, you're not going to stop the vast amount of people who fish to start with. Most of the people that do it recreationally, they won't intend to do it, but they won't even know it exists. They won't even want to know to find out if you have one. They're never going to hear about it.

I guess between that and the regulations that I know are going to be coming in the next couple years, I think we could get along without the MPAs. Again, that's just speaking here off the coast of North Carolina and possibly South Carolina. Down in South Florida, that's a different ballgame. I have absolutely no idea about that. Thank you.

Mr. Southerland: Next speaker, Patrick Kannan.

Mr. Patrick Kannan: It's Kannan. Woo Woo pretty much covered about the same thing I would say. It's probably that or that one box down off of that $\frac{3}{4}$ ledge. It probably won't affect us very much. I'm not a scientist or a biologist. That inshore box -- somebody wants a job.

You put it there -- you put something down there. The fish don't go there if there's nothing but sand. All that is to me, it looks like somebody needs a job, and they just went there with a -- I know where that is.

It's a two-mile box. Somebody wants a job. It's already been proven. Look at all the shipwrecks that are out there right now. There was nothing there. Now there's species. I mean there are a lot of days, without that wreck, that little barge wreck or that little beach -- there are places out there where we put refrigerators and stuff.

We catch fish there. Somebody just wants a job on that box there. That's a waste of time. I mean, it is. In the future, yes, somewhere, somebody will catch something there. I mean, down there in South Carolina, I believe a fellow that works for the Department of Resources out of South Carolina -- it's either South Carolina or Georgia -- he's got his own little private place and he shows the fish -----.

Why do this? You know it works. He's got the video of it. I mean, that's just a waste of time. All that is it's just something to sit there close to the coast. I mean, if that does go into effect, then you need to wait until you start putting MPAs -- hush my mouth -- you start putting MPAs in the shallower waters. All that's going to do is just turn more people off.

We're affected. Woo Woo says we're not affected by this, but everything that's done -- I think the internet -- we're already -- there's phone call after phone call right now with what's in effect. People will not come from New York no more. We depend on them.

We depend on their money. This county depends on their money. And if we don't get them like we used to -- New York, New Jersey, Pennsylvania, Ohio, they come a long ways. And they just are not coming.

They look there and they say _____ red snapper, no. No, I can stay right here and catch 20 or 30 black sea bass. I'd rather do that. They're better eating, anyway. So it's affecting us. And everything that is going on, and what I see in the future is just going to hit us harder and harder and harder.

Bobby said something about _____ one of these meetings there of the MPA Advisory Panel. The government is just taking and taking and taking, and I don't see where it's doing anything to help us.

If we've got a problem, then okay, then let's everybody try and help out. If this goes into effect where you've got this little box on a chart or out there in the ocean in a ten-mile box or a five-mile box, then I would suggest that they take one corner of that box and put it out there where there is nothing, and by God, let the government put a ship down there or put tanks or train cars or put something.

Number 1, they've already got the manpower to do this. They've got the United States military. They're all ready paid. They're not -- a lot of them are doing something, but there's a lot that's not, so they've got the means to sink something and put a structure there, to take a part of that box and put out there.

It's kind of a give-and-take situation is the way I see it, just like down in South Carolina, they're

getting ready to take those bridges down. There is no way that those bridges would go anywhere except in that ocean somewhere.

And they've got the military. They're paid by the government. They've got boats. They've got barges. They've got the manpower to do it. They've got all the means possible to do this.

I think this would be a very good communication between fishermen and the government. It would be a good bonding effort to see them come back and help a little bit instead of take, take, take. I'm sure I've got -- after this meeting is over I'll have a lot more to say but this is what's on my mind for just the first couple speeches.

Mr. Southerland: Did you say what I think you said? The hard bottom MPA that we're proposing, you're not supporting it, but you would support sandy bottoms building artificial reefs through there.

Mr. Kannan: I don't support the MPAs. I feel like Woo Woo. I just feel like _____ this here was a very, very bad year for vermillion snapper, very bad. But every diver that went out day after day after day would come up and they would say, "All right, we just wanted to see what you wanted to do."

One of them said of his _____ on the _____ wreck, about 35 miles south of Morehead for two years -- 58 degrees. All summer, that 58 degrees was to be _____ for the summer. All summer long, it was 60 or 61. We did not catch any _____ or vermillion snappers all summer.

I think one of the main reasons was they weren't there. These fish this year did not know whether it was summer or winter all summer long until Isabelle came there and stirred it up, got everything a couple weeks later kind of back straight.

Our fishing started picking up and everything. I think these fish were cold. I think they moved. I know when I get cold, I move. I move from downstairs to upstairs. It's warmer upstairs. Honey, you can sit down here if you want to. I'm going upstairs.

That's just the way I think. I think that they moved. I can't prove that they moved, but I've been there for 30 years, and I've got a -- I mean, they moved. A man showed me one day, he says, "There's the rock right there. There's the number. I was just there yesterday."

Well, I sat right there. I looked and there were about 10 places where those fish had been, and those fish were gone. He says, "Well, what in the world are you getting in at 5:30 for? I gave you the number." I said, "Well, they were gone." And I showed him the piece of paper. He said, "Well, they sure were."

Those fish move. They will not stay there. And I don't think -- maybe a ten mile box might work, maybe not. Maybe you're just beating a dead horse here. Maybe it's not. I really think that might -- going out there day in and day out, what's not working. We're catching more black

bass right now than we ever have.

We didn't catch any vermilion this summer. But it wasn't because -----, it was because the water temperature was too cold. The water temperatures got straightened out, they picked up.

Mr. Southerland: The bottom line of all this we're trying to get at now _____, and I'm not trying to upset your livelihood. The MPA's have _____ amount, and I was just trying to see if you thought the artificial refugia _____ with different states.

Mr. Kannan: Would artificial? Yes, of course, it would. I mean, anything you put there, if there is nothing there, a little something is better than nothing. Yes, it will. Anything you put there is going to help out. But for that experimental place, if you put something there, it's going to grow bait and then direct it to bigger fish. That's a no brainer.

There will not be no snowies there, so if you're just looking at deep water right now, then that area is in there in about 50 foot of water.

That's a waste of time right now. Now when you start looking in shore, if that be the case, yes, then you might do that. But it's already been proven from that gentleman down there in South Carolina. I appreciate it.

Dr. Daniel: One of the things that I'm interested in is that the shallow water area is not necessarily _____. My main interest is trying to _____. If you're able to put one of these things together and monitor it over time, if you go out there and pick up two five gallon buckets full of lead every time you go, you know there's enforcement. If you're sitting right off the bar, with all the Coast Guard and the PMF and all the traffic that goes through there, if you can't enforce it then, how are you going to enforce it 60 miles off shore?

From the experimental standpoint, it's not just to say that structure brings fish. We have the artificial program in North Carolina _____. The question is, how does shutting that area down -- how does creating an artificial bottom, not allowing any fishing around some areas where we have usable, fishable artificial reef, what's the difference in the tools you use?

_____. Do a bunch of big fish hang around there and stay there year around? Are you going to go out there and see if they are there all the time? It answered some of those questions and that's part of the reason.

Mr. _____: And then to see about enforcement. I do see that.

Dr. Daniel: The important thing is to look at the MPAs. And I also encourage everybody to note on handout that _____, we will accept written comments until the 7th of February. You can send them to the council through regular mail or go to our Website and click on MPA stuff and see _____.

Mr. Southerland: All right, thank you. The next one I had to speak, -- let me go through this list

here that says "maybe." Tim Robertson. Thank you, Tim. Bobby Jean Winslow. Bobby Simpson. Elbert Gaskill. Sandra Gaskill.

Ms. Sandra Gaskill: I can't leave here tonight without saying anything.

Mr. Southerland: Sandra, will you state your name for the record, please.

Ms. Gaskill: Sandra Gaskill, Harper's Island, North Carolina. _____. These areas you're talking about, they don't correct the sex as far MPA's on anything. The reason I am is because I don't think they're going to do any good. The experimental artificial reefs we are talking about, when the South Atlantic species and Management Council says experimental, does that mean they will experiment on this area, and then they'll get you on another area.

There's always something down the line, and close one area, it will kill another. You can say whatever you want to say, I think and agree with what Woo Woo said, fish have tails, they swim, they're going to move. It's going to hurt the commercial fishermen, it's going to hurt.

Once you start these, they'll start with these small areas, and the rec fishermen, they've got more and more and more. And the fishermen won't know anything about this, because a lot of these meetings I haven't attended, because I didn't know about the meetings.

There are so many, many meetings that commercial fishermen have to go to, not only for federal but for state also, and it's hard to keep up with it all. We're supposed to be the most important people in the world because we're the only ones who have to go these meetings, I think.

As far as the enforcement, you're not going to be able to enforce this. I'm going to tell you why. Because right now my husband, he does snapper grouper fish like _____, but he takes black sea bass.

And if he cut that -- if he was to cut that out, the Parks would take it. I do know some recreational fishermen -- and I call them "recreational" because they don't have a permit. Now you're allowed to pick so many fish without a permit, I understand that. But these fishermen come to the docks and brag to my husband and others that they've had 500 or 600 pounds of snapper grouper or black sea bass without a permit in the world.

You look that whole ocean over and you might once in a while see the Coast Guard because they have so much to do -- not because they're not good out there, because they have so much to do. And that's why I know you're not going to be able to enforce this. The only thing you could do is _____.

Yes, they could enforce the law, and I'm going to tell you who they get. They get the commercial fishermen, because they go so slow in their boats, some of them do. And then you've got these clowns, like I said, coming to the docks with these fish and they want to go in these closed areas, before they'll get in there and catch what they want if it's a good area and get out so fast and then if a commercial man tries _____.

But I am against this. I had to stand up here tonight and say -- not because my husband is going to hurt _____ -- that I do not trust the South Atlantic Fishery Management Council or do not trust the federal government when it's comes to commercial fishing, because we have been put down so many times. There are so many, many regulations that are coming that I know our own paper that comes to us is going to cut us out, which has already cut out for a lot of people. That's why I'm standing up here and saying something tonight. Thank you.

Mr. Southerland: Thank you. Pam Morris.

Ms. Pam Morris: My name is Pam Morris. I'm from Davis, North Carolina. My husband is a commercial fisherman, and I just wanted to make sure _____. It's in regards to the paper out in the rural area, and it's to add an opinion about the enforceability issues.

What scares me about this is that this could lead potentially to monotones like they do in Florida. They have bait-signaling devices like "big brother" devices. I feel that when management in the area is coming down the line, or any management issue comes down the line, it's presented in a family way that this will help you in the end, etc. It ends up being an entry form into more regulations.

I feel that MPAs are an entry form for more regulations. I think that Oculina area is an example of that. It remains, in my opinion, an area that started out one size then has increased in size and left their brains and everything else.

Also, the monitoring devices that we states had to pay. I was reading in there _____ in the area _____ so you can correct me if I'm wrong but about half of the areas and the _____, half of the areas listed in here have caught more, but the other half have caught less in these areas.

I'm concerned about that. Also, I think as far as putting in another artificial reef in this area, I don't think that you should put another artificial reef off shore. North Carolina probably has as many wrecks as any other state off shore right now plus other debris has been put offshore.

I know that it's valuable as far as habitat for fish, but I also think there is some value in free bottom as well. It might have impact in migrations of fish. And I know very little about the value of free bottoms, strips of free bottoms.

Also, I guess the last point I wanted to make, this area is 12 miles off shore -- is that what I read? I feel that it could very well be that fishing boats like _____ or different commercial fishermen that aren't basically in the snapper grouper complex, since there will be no fishing, no nothing in there for us as well, so that we can be _____ for doing things that we're not doing. And that's another reason why I am against these MPAs. Thank you.

Mr. Southerland: C. A. Conklin.

Mr. C. A. Conklin: I'm C.A. Conklin of Morehead City. I've got one comment on the enforceability of the experimental site off of the cape. The last two years, particularly, the way you've got it set up here, it talks about no fishing at all, the 3rd Street and bluefish _____ commercial _____ in or near that area, but the enforceability point of view might consider that we could continue to get a bluefin season.

That area could have control in and around there, particularly if the fish are pretty much in that area the first day or two before it comes down around the shoal. _____ might consider _____ before daylight starts in an area it's going to be hard to _____ so you might want to make some provisions for that before _____. Thank you.

Mr. Southerland: Those are all the speakers I had lined up that wanted to speak. Is there anyone else in the audience who would like to speak? Yes, sir.

Mr. Blackerby: Thank you, commissioner. I would just like to say, first of all, my name is James Nicholas Blackerby from New Bern. I represent the Fisheries Issues Committee for the Coastal Conservation Association.

Our committee, as well as the Coastal Conservation Association, has many reservations about the MPA process and all of the proposals. However, take these individually and look at each one and see if they fit into a criteria that we have made well-known.

We feel that this proposed MPA off Cape Fear does fit those criteria, and I will read the criteria that we go by. There is a clear indication that recreational fishermen are the cause of the specific conservation problem and that less severe conservation measures, such as gear restrictions, possession limits, size restrictions, quotas or closed seasons will not adequately address the targeted conservation problems.

In this case, this is a Type 2 MPA which will allow trolling for species that are not threatened or not overfished, while hopefully, protecting species that are overfished like the snapper grouper fishery.

The closed area regulations include specific measurement criteria to determine the conservation benefit of the closed area on the affected stocks fished and provides a timetable for period review of a continued need for the closed areas at least once every three years.

Jerry Schill alluded to that, about is there any sunset clause in these proposed MPAs. If not a sunset, certainly we would believe a review within a certain number of years would be in order to see if they were actually working or not.

Over a period of years, I would think that there would be some indication whether they were working or how well they were working or whether they were _____ or not _____ and not make these permanent _____.

The other criteria, the closed area is no larger than that which is supported by the best available

science and provisions made to reopen the closed area to recreational fishing and commercial fishing when the targeted conservation problem no longer exists.

I, myself, don't fish in this area. It's too far from here for both recreational fishermen. I'm not aware of any recreational fishermen that fish out there unless they go out on a headboat. I'm told there are a few that go out from the Cape Fear area, but the harvest out there, I've been told, is only about 5,000 pounds a year from recreational fishermen, so this is not going to impact recreational fishermen to any extent.

Based on that, we believe that this area, known as the Snowy Wreck MPA, should meet the criteria adopted by CCA; thus, we provide our initial support for the establishment of this MPA pending further information and debate on the issue.

Are we addressing the Type 1 MPAs off Beaufort, also? We felt that the Type 1 MPA off of the Beaufort Inlet does not meet the criteria necessary to create _____. However, in general, we support sound scientific research that could lead to better fishery management. We reserve final comment on this proposed MPA until more information about it is available.

Mr. Southerland: Does anyone else want to speak? State your name for the record.

Mr. Williams: I'm David Williams. I have a small charter boat. I commercial fish about half a year and charter boat _____. As far as the site down off of _____, it wouldn't bother me one way or the other, but it does bother me that it's constantly going to be another one and another one _____ we have to worry about.

I went in '93 _____ and there wasn't a whole lot of legislation going on or rules _____. It seems to me like if these fish are long-lived like _____ controls for six years, we have to give it time to work, because we don't know if Amendment 8 and 9 or 10, 11, 12, 13, whatever, we haven't given them enough time to work _____ long-lived species _____.

As far as putting a permanent site down, I think that -- I just don't agree with that at all. I feel like that fish in that site -- I guess the whole reason for it is so it could spawn and the eggs can go upstream, whatever.

But there is a point in North Carolina, especially where snowy groupers -- you don't catch them any more north of Hatteras, whatever. I feel like it could do more good to stop the imports from Mexico, because their snowies _____ east of Florida. Florida does Georgia and on and on and on. That's the way I see it.

The wreck Bobby Freeman was talking about _____, that was about 1980, I think, in 105 fathoms. That was phenomenal. They maybe got a species on it. But if you go over to that place now, you still catch grouper there, but there's not very much of a bottom at all. It's not what you would think. _____.

I feel like instead of trying pick one little place -- 350 here, 20 if you have to -- why not put three dozen places out there? Something bigger than a dump truck load of rocks. It would be better than trying to -- you could put enough places out there where you can _____.

The big problem years ago is that artificial reefs, everybody says, we're going to concentrate on all the fish, and all the fish will be right there and we can catch them all.

I think another big problem we have is I don't think recreational fishermen should be allowed to sell their fish. I'll come in 8:00-9:00 at night and I'll see outboards shooting by me left and right, no lights on, no nothing. Getting to the boat ramp, there are more fish that go up the highway then without being checked.

There are a lot of problems in fishing, and I don't think MPAs are going to do a bit of good. If you've got a pond in the country, if you don't watch it, somebody will dynamite. And it's the same thing out yonder _____.

Mr. Southerland: Does anyone else want to speak? I want to thank you all for coming tonight. I really -- we had quite a crowd here tonight compared to some of the previous hearings we've had. There will be some more hearings. There will be some more hearings. As Dr. Daniels said, this is just one tool in the toolbox that the council is looking at. It's not necessary a "done deal." _____ economic impact of this for us _____. Again, I thank you. Meeting is adjourned.

(Whereupon, the MPA public hearing adjourned on Tuesday, January 27, 2004.)

Tape of Proceedings On File (1)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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

**Morehead City, North Carolina
January 27, 2004**

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Dr. Louis Daniel

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Kerry O'Malley

Dr. Kathi Kitner

Julie O'Dell

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