

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 JOINT CORAL/HABITAT PROTECTION & RESTORATION COMMITTEE

4
5 Naples Grand Beach Resort Naples, Florida

6
7 June 5, 2017

8
9 **CORAL COMMITTEE VOTING MEMBERS**

10 John Sanchez.....Florida
11 Tom Frazer.....Florida
12 John Greene.....Alabama
13 Martha Guyas (designee for Nick Wiley).....Florida
14 Campo Matens.....Louisiana
15 Paul Mickle (designee for Jamie Miller).....Mississippi

16
17 **HABITAT PROTECTION & RESTORATION COMMITTEE VOTING MEMBERS**

18 Dale Diaz.....Mississippi
19 Patrick Banks.....Louisiana
20 Glenn Constant.....USFWS
21 John Greene.....Alabama
22 Martha Guyas (designee for Nick Wiley).....Florida
23 Campo Matens.....Louisiana
24 John Sanchez.....Florida
25 Greg Stunz.....Texas

26
27 **NON-VOTING MEMBERS**

28 Kevin Anson.....Alabama
29 Leann Bosarge.....Mississippi
30 Doug Boyd.....Texas
31 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
32 LCDR Leo Danaher.....USCG
33 Dave Donaldson.....GSMFC
34 Lance Robinson (designee for Robin Riechers).....Texas
35 Ed Swindell.....Louisiana
36 David Walker.....Alabama

37
38 **STAFF**

39 Steven Atran.....Senior Fishery Biologist
40 Assane Diagne.....Economist
41 Douglas Gregory.....Executive Director
42 John Froeschke.....Fishery Biologist/Statistician
43 Morgan Kilgour.....Fishery Biologist
44 Ava Lasseter.....Anthropologist
45 Mara Levy.....NOAA General Counsel
46 Jessica Matos.....Administrative Assistant
47 Emily Muehlstein.....Public Information Officer
48 Ryan Rindone.....Fishery Biologist/SEDAR Liaison

1 Bernadine Roy.....Office Manager
2 Carrie Simmons.....Deputy Director

3

4 **OTHER PARTICIPANTS**

5 Anna Beckwith.....SAFMC

6 Eric Brazer.....Gulf Reef Fish Shareholders Alliance

7 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL

8 Traci Floyd.....MDMR

9 Susan Gerhart.....NMFS

10 Chad Hanson.....Pew Charitable Trusts

11 Scott Hickman.....CFA, Galveston, TX

12 Mark Hubbard.....FL

13 Alison Johnson.....Oceana

14 Bill Kelly.....FKCFA

15 Rich Malinowski.....NMFS

16 Bonnie Ponwith.....SEFSC

17 Jessica Stephen.....NMFS

18

19 - - -

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1 The Joint Coral/Habitat Protection & Restoration Committees of
2 the Gulf of Mexico Fishery Management Council convened at the
3 Naples Grand Beach Resort, Naples, Florida, Monday afternoon,
4 June 5, 2017, and was called to order by Chairman Dale Diaz.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN DALE DIAZ:** I would like to call the Joint
11 Coral/Habitat Protection & Restoration Committee to order. I
12 want to start out with making sure that everyone who is on the
13 committees are recognized as present.

14
15 John Sanchez is the Chair of the Coral Committee, and Tom Frazer
16 is the Vice Chair of the Coral Committee. Johnny Greene, Camp
17 Matens, Dr. Mickle, and Ms. Guyas are the balance of the Coral
18 Committee.

19
20 For the Habitat and Restoration Committee, I am the Chair, and
21 Mr. Sanchez and I have agreed that I will be chairing this
22 meeting. Johnny Greene is the Vice Chair. Mr. Banks, Mr.
23 Constant, Mr. Matens, Mr. Sanchez, Dr. Stunz, and Ms. Guyas are
24 the remainder of the Habitat Committee.

25
26 The first order of business is the Adoption of the Agenda for
27 the Habitat Committee. Does anybody have any other business
28 they would like to add? If not, is there any opposition to
29 adopting the agenda? Seeing none, the agenda is adopted.

30
31 Next up is Approval of the Minutes from our April meeting. Any
32 modifications to the minutes? Seeing none, any opposition to
33 adopting the minutes? The minutes are adopted. Third up on the
34 agenda is the Action Guide and Next Steps. Dr. Kilgour, do you
35 want to go over those real quick?

36
37 **DR. MORGAN KILGOUR:** Sure. For Agenda Item IV, which is the
38 Review Options Paper for Coral Amendment 9, I will be going over
39 the draft options paper. There's a few questions that are
40 specific to Actions 1 and 2 that the IPT had that we would like
41 some clarification on, and the committee also might want to
42 address Action 9, which is something that the IPT recommended
43 that we put in the document for consistency through all the
44 HAPCs, and I will go over that in a little more detail.

45
46 Then the bulk of the document is looking at the individual areas
47 that were recommended by the Coral SSC and AP and Shrimp AP
48 group that met in August of 2016 and the various regulations

1 that were recommended to be associated with those, and then I
2 have some very, very brief updates from the Florida Keys
3 National Marine Sanctuary expansion and the Flower Garden Banks
4 National Marine Sanctuary expansion that I wanted to just inform
5 you about. There is nothing groundbreaking, but just a couple
6 of bulleted points that I wanted to go over, and that's it.

7
8 **CHAIRMAN DIAZ:** Thank you, Dr. Kilgour. The next agenda item is
9 for us to Review the Draft Options Paper for Coral Amendment 9.
10 Bear in mind this is the first time that we've seen this
11 document, and it's a draft options paper, and so this is our
12 opportunity to critique the document, to see if we need to add
13 or delete actions or add or delete alternatives or wordsmith in
14 it some of the language that's in the document. As we go
15 through the document, if you see something that needs to be
16 changed, please let us know. Dr. Kilgour, will you walk us
17 through Coral Amendment 9, please?

18
19 **REVIEW OPTIONS PAPER FOR CORAL AMENDMENT 9**

20
21 **DR. KILGOUR:** Sure. The very first thing that I would
22 appreciate the committee's feedback on is the purpose and need,
23 which is on page 2. The purpose of this amendment is to
24 establish protection of corals in the Gulf of Mexico, and the
25 need for this action is to conserve the Gulf of Mexico coral
26 resources and essential fish habitat and to maintain suitable
27 marine fishery habitat quality and quantity to support
28 sustainable fisheries. I would appreciate any feedback from the
29 committees on these two things.

30
31 **CHAIRMAN DIAZ:** Dr. Kilgour, I do have a comment on the purpose
32 for the action, and I would just wordsmith it slightly to read:
33 The purpose of this amendment is to establish appropriate
34 protections for corals in the Gulf of Mexico. It would be to
35 add the word "appropriate" after "establish" and make
36 "protection" plural and change "of" to "for". That's just a
37 suggestion. Thank you, ma'am. Ms. Bosarge.

38
39 **MS. LEANN BOSARGE:** You already skipped over the introduction,
40 and, well, I guess that's part of the introduction, and I just
41 wanted to point out that, in our introduction, we cite a lot of
42 different scientists and papers that refer to some of the facts
43 that we're listing in the introduction, and, on page 4 of our
44 document, one of the citations is for Kilgour and Shirley, 2008,
45 and that is our own Dr. Kilgour, and so I just wanted to say
46 kudos to her and everybody else on staff that is -- Obviously
47 their experience and their expertise and they're publishing, and
48 so I think sometimes we overlook that, and so just a kudos to

1 all of you. Thanks.

2

3 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Dr. Frazer.

4

5 **DR. TOM FRAZER:** Just some real quick thoughts. When I was
6 reading through that first section, that Table 1.1.1, where
7 there is fifteen sites, and then there is eight additional sites
8 in there, and then you go on to the next section and there is a
9 figure that puts quadrants in, and it's kind of -- It would be
10 nice in that table if you can not only have the site, but
11 reference the quadrants that they're in. That would make it
12 easy to cross-reference.

13

14 Then, on page 5, in the last paragraph, where it says,
15 "description of the regions of the Gulf", there is a sentence
16 that reads: "The fifteen recommended areas fall into the
17 distinct regions of the Gulf." That is fifteen recommended
18 areas with fishing regulations, because there is eight
19 additional ones, right?

20

21 **CHAIRMAN DIAZ:** Ms. Bosarge.

22

23 **MS. BOSARGE:** I did have one other question. One thing, when I
24 attended some of those AP meetings -- The disconnect, it seemed
25 like sometimes, between the fishermen and the coral scientists,
26 when you talk about depth of water or things of that nature, at
27 least as shrimpers, we think a depth of water is the actual
28 bottom, like the thirty-fathom curve or something like that.
29 That's your depth curve.

30

31 The scientists, when they're dealing with coral, seem to think
32 more like the relief, the very top of the relief of the coral,
33 and that's the depth, and so I'm wondering, in the depth and
34 fathoms in feet, in Table 1.1.1, on page 3 of the paper
35 document, those feet that you have in parentheses in that last
36 column, that is the actual bottom seafloor depths, right? I
37 just wanted to make sure. Okay.

38

39 **CHAIRMAN DIAZ:** Mr. Matens.

40

41 **MR. CAMP MATENS:** Thank you, Mr. Diaz. I have been thinking
42 through a lot of this, and one of the things that I was told,
43 and I am kind of bewildered about it, is that deepwater corals
44 are depths below 300 feet. That was mentioned in the
45 presentations that we had. Looking at one of these that I am
46 familiar with, Sonnier Bank, it rises to 160 or 165, and,
47 although it shows no regulations, it is a spot that divers dive.
48 I am not sure what I mean by that, but what I'm starting to

1 think is that I don't understand this, and I'm a little confused
2 about that.

3
4 **DR. KILGOUR:** I would be happy to clarify. Sonnier Bank is
5 already a HAPC with no fishing regulations. It's not being
6 considered in this document for deepwater coral protections, but
7 this entire table is supposed to be everything that is a
8 national marine sanctuary, reserve, or HAPC on the books right
9 now, and so I was trying to give a broad table of these are the
10 areas that we currently have as these three designations.

11
12 **MR. MATENS:** Okay. To that point -- Thank you, but, to that
13 point, is there or is there not a depth definition as to what a
14 deepwater coral is, vis-à-vis this document?

15
16 **DR. KILGOUR:** For the purposes of this document, a deepwater
17 coral is something that exists below fifty meters, and that was
18 the recommendation of the Coral SSC and Coral AP. NOAA, I
19 think, has a definition of something below 150 meters is the
20 definition of a deepwater coral, and I can go and double-check
21 that, but that's 450 feet, but fifty meters is 164 feet, which
22 is below diver depths, generally speaking.

23
24 **MR. MATENS:** I am pretty old. I don't think that.

25
26 **CHAIRMAN DIAZ:** I have a question for you, Dr. Kilgour. On the
27 Figure 1.1.1 on page 6, a lot of times when I think about lines,
28 I think about those lines running basically north and south out
29 into the Gulf, and so is this actually the boundaries of these
30 quadrants or do those lines actually run from the point of land
31 due south?

32
33 **DR. KILGOUR:** I am glad you asked that question. We divided
34 this as an IPT, to try and make this more digestible, into very
35 broad southeastern and northeastern and northwestern and
36 southwestern, and so those lines are very arbitrary, in that
37 those would be the dividing lines, but just for purposes of the
38 actions. They have no regulations associated with them or
39 anything. It's just so that we could break the recommended
40 areas up into digestible chunks, and so that's what those lines
41 come from.

42
43 **CHAIRMAN DIAZ:** No other questions or comments? Would you like
44 to proceed, Dr. Kilgour?

45
46 **DR. KILGOUR:** Absolutely, and thank you for all of the
47 information, and I will make sure to include that into the
48 introduction. The very first action is something that was

1 recommended by the Coral SSC and AP, and that was to incorporate
2 deepwater octocoral species into the fishery management unit.

3
4 In the Generic ACL Amendment, octocorals were removed completely
5 from the fishery management unit, and all management of
6 octocorals was designated to the State of Florida, as that was
7 the only state that was actually harvesting octocorals for the
8 aquarium trade.

9
10 There has been a lot more evidence that octocorals provide
11 habitat to deepwater species, and so the Coral SSC and AP
12 recommended that deepwater species that would be below diver
13 depths be incorporated into the fishery management unit.

14
15 We have Alternative 1, which is no action, which would not
16 address octocorals in the fishery management unit. Alternative
17 2 would be to incorporate all octocorals into the fishery
18 management unit that exist in the Gulf of Mexico.

19
20 Alternative 3 would be to go by the Coral SSC and AP
21 recommendations, which would be to incorporate members of the
22 deepwater octocoral genera that have been recorded in the NOAA
23 Deep-Sea Coral Database from a minimum recorded depth of fifty
24 meters or deeper. If it's been recorded shallower than fifty
25 meters, then it's not included in that list, and there's a
26 comprehensive table, Table 2.1.1, that has all of the genera
27 that would be affiliated with those different alternatives.

28
29 Then Alternative 4 would anything below the recorded depth in
30 the NOAA Deep-Sea Coral Database of 150 meters or deeper, and
31 that is, again, that deepwater line of below the photic zone of
32 150 meters.

33
34 The complete list would be, and this would be incorporating the
35 genera and not the individual species. It's very difficult to
36 determine individual species of octocorals in the water, even if
37 you're an expert. Sometimes you have to take an actual sample
38 to the lab and digest the tissue around the sclerites with
39 bleach and then look at them under a microscope, and so asking
40 somebody who harvests them for the aquarium trade to be able to
41 identify individual species is obscene.

42
43 We tried to make it so that it would be in a manner that, first
44 of all, would not be incorporating anything that people normally
45 dive for to harvest for the octocoral trade, but also at the
46 general level that is something that somebody should be able to
47 do if they're really familiar with octocorals.

48

1 We also only incorporated species that are in that deep-sea
2 coral database and that did not have depths that were recorded
3 as shallower than fifty meters or 150 meters in that database
4 for the different alternatives. I am happy to answer any
5 questions about this. We had a challenge trying to figure out
6 the best way to depict this that would be understandable to us
7 as well as the public, and so I'm happy to answer any questions.
8

9 **CHAIRMAN DIAZ:** Ms. Guyas.

10
11 **MS. MARTHA GUYAS:** I've got a couple of things on this one, but
12 I will just start with comments for now, because I am probably
13 going to make a motion too. For Alternative 1, can we add it in
14 there or clarify that octocoral harvest will continue to be
15 managed by Florida in EEZ waters adjacent to Florida? I think
16 there is -- Based on the public scoping comments that we got,
17 there was some understanding and people were thinking that the
18 State of Florida was managing octocorals off of like Texas and
19 Mississippi and the other states, and that's not the case here.
20

21 Then one other thing to flag for you, Morgan, is, in Table
22 2.1.2, the landings for -- The information that you have for
23 2015 has been updated since this table was printed. There was a
24 coding error that drove up the landings for that year. The
25 landings for that year are actually really consistent with
26 everything else here. I think somebody switched their species
27 around on their trip tickets, but it's been rectified since
28 then.
29

30 **CHAIRMAN DIAZ:** Dr. Frazer.

31
32 **DR. FRAZER:** Thanks, Dale. This question is actually for
33 Martha. With the change in the language to the first
34 alternative, do you know, or does the State of Florida know, if
35 there are harvesters or collectors in the other Gulf states, or
36 is the only place that octocorals are harvested and landed are
37 in Florida?
38

39 **MS. GUYAS:** To my knowledge, it's only Florida, but maybe other
40 Gulf states would know if there is people working off of their
41 states. In Florida, we have a limited entry system, where there
42 is a handful of folks that are harvesting aquarium species,
43 including octocorals. The octocoral people are a subset of the
44 marine life trade, or aquarium trade, so to speak, and, as far
45 as I know, they're not working off of other states, but there
46 could be other people working off of other states.
47

48 **CHAIRMAN DIAZ:** Dr. Kilgour.

1
2 **DR. KILGOUR:** To my knowledge, I am not aware of anybody else
3 recording landings for octocorals in other states. That doesn't
4 mean that people aren't harvesting them, and it doesn't mean
5 that people are harvesting them, but I just don't think that
6 there is information to be able to give you on whether or not
7 it's an issue in other states, or a landed species in other
8 states.

9
10 **CHAIRMAN DIAZ:** Just a quick question, and you might have said
11 this a minute ago and I missed it. Our Coral SSC is
12 recommending us to us fifty meters to designate deep-sea coral
13 rather than 150 meters. What was the rationale for deviating
14 from the standard that NOAA had?

15
16 **DR. KILGOUR:** I will have to go back and look at my notes. I
17 think that it was because they felt that those were deeper than
18 diver depths, and so that would be an appropriate limit, but I
19 would be happy to get back to you on that one. I can't remember
20 quite off the top of my head.

21
22 **CHAIRMAN DIAZ:** Thank you. Mr. Matens.

23
24 **MR. MATENS:** There's a lot of controversy about depths that
25 sport divers should go to, but I don't think that 165 feet is
26 considered deeper than diver depth in Louisiana.

27
28 **CHAIRMAN DIAZ:** Okay. I am not seeing any other hands, Dr.
29 Kilgour. I know we're going to move on to Action 2, and the
30 questions that the IPT has for us is after Action 2, but it
31 refers to Action 1, and so we may actually have to come back and
32 refer to Action 1 again after we refer to Action 2. With that,
33 Dr. Kilgour.

34
35 **DR. KILGOUR:** Thank you. In Action 2, we have to address -- If
36 the council would like to incorporate octocorals into the
37 fishery management unit, we will need to address an ACL and an
38 OFL, basically management benchmarks, for the octocorals,
39 because they're species that live longer than a year, and so
40 they meet that criteria.

41
42 Specific questions that the IPT had are would the council like
43 to consider incorporating octocorals into the fishery management
44 unit and would the council like to consider a harvest limit of
45 octocorals or would the council like to request that the
46 Southeast Fisheries Science Center provide any existing
47 information to the SSC so that we can have a discussion about
48 octocoral management benchmarks?

1
2 **CHAIRMAN DIAZ:** Ms. Guyas.

3
4 **MS. GUYAS:** I can start. The first question, whether they
5 should be reincorporated into the FMU, I would say, for Florida,
6 that's problematic. I don't know how the other states feel
7 about it, but, just because we do have this octocoral fishery
8 that's occurring -- Yes, it's within diver depths, but, because
9 of the wide variety of species and the difficulty identifying
10 them -- There are people that are harvesting these from federal
11 waters off of Florida in the Gulf of Mexico, and I think, if the
12 council wants to go in this direction and manage octocorals in
13 the EEZ, I would ask that we add another alternative to Action 1
14 to exclude Florida from that, because I just think it's going to
15 be difficult for the industry and difficult for enforcement, and
16 I don't know that it would be really much of a conservation
17 gain.

18
19 I think, if we're trying to protect octocorals, particularly in
20 these areas that may have special protections, there is another
21 way to go about that, since FWC is already managing octocorals
22 off of Florida. I mean, we may be able to incorporate those
23 areas as protected areas for octocorals. Again, nobody is
24 harvesting there, but, if we could do that at the state level,
25 we wouldn't have to go through the council.

26
27 Anyway, I guess I will see what other people's thoughts on
28 Action 1 would be, but, if we keep this action, then I'm going
29 to want to come back and make a motion, but I will let other
30 people talk first.

31
32 **CHAIRMAN DIAZ:** Dr. Frazer.

33
34 **DR. FRAZER:** I think I am inclined to agree with Martha on this
35 one. If we rephrase the Alternative 1 in the first action -- I
36 don't think there is a compelling reason to put those corals
37 back in the fisheries management unit.

38
39 **CHAIRMAN DIAZ:** Did you have something else, Ms. Guyas?

40
41 **MS. GUYAS:** I will go ahead and make a motion. I guess, in
42 **Action 1, add -- My motion would be, in Action 1, add a new**
43 **alternative that would exclude octocorals in the EEZ adjacent to**
44 **Florida.**

45
46 We might have to wordsmith this, but my intent here is that
47 whatever alternative is chosen by the council, whether it's 2,
48 3, or 4, if we added this alternative, we could choose this in

1 addition to that, to exclude Florida from whatever that
2 alternative would be, and so that's my intent. I don't know if
3 the words get us there, but --

4
5 **CHAIRMAN DIAZ:** Ms. Levy.

6
7 **MS. MARA LEVY:** I guess I am confused about, when we say
8 "octocorals", what exactly we're talking about, but so would it
9 just be that octocorals are not a part of the FMP and so the
10 alternative would be to add it back in in all of the areas
11 except the EEZ adjacent to Florida, meaning it's not -- Are
12 there any what we would call octocorals in the FMP right now?
13 Maybe I should know that, but I don't, and so no.

14
15 Really, what this is saying is we want an alternative that would
16 add octocorals back to the FMP in all areas except the EEZ off
17 of Florida, right? It's not like you have to pick one of the
18 other alternatives and then exclude it. What you're saying is
19 we want an alternative that would add it back in for everywhere
20 except the EEZ off of Florida.

21
22 **CHAIRMAN DIAZ:** Ms. Bosarge.

23
24 **MS. BOSARGE:** Martha, help me out here. Florida is managing
25 octocorals in state waters and their adjacent federal waters,
26 which is perfectly fine, because we're not managing them
27 federally. Therefore, Florida has every right to do that.

28
29 There is a protection there. Florida is the only place that we
30 know of in federal waters where these things are harvested, and
31 so I am just wondering if there is not a risk -- I don't know
32 what we're trying to do with these two action items if there's
33 not a risk out there, or if there's a very minimal risk. I am
34 just wondering why are we adding two more actions in if
35 essentially what we're saying is we want to let Florida continue
36 to manage them, and so wouldn't you just take those first two
37 action items out of the document, rather than analyze all of
38 this and come to the conclusion that we want to let Florida
39 manage them and they're not being harvested anywhere else?

40
41 **MS. GUYAS:** Right, and so, to be clear, I am good with
42 Alternative 1 of this document, but that excludes -- That
43 precludes, I guess, the council from managing octocorals
44 anywhere in the EEZ of the Gulf of Mexico. I am cool with that,
45 but, if other areas of the Gulf of Mexico need to be under
46 council management for octocorals, my intention with this motion
47 was to exclude Florida from that, because we're already managing
48 them and everything is fine. The situation is under control,

1 and so I'm cool with Alternative 1, and I would support that,
2 and I can withdraw this and see if that motion flies.

3
4 **CHAIRMAN DIAZ:** Before we proceed, I probably should have
5 before, but I don't think we have a second for the motion on the
6 board, and so is there a second? It's seconded by Mr. Matens.
7 Dr. Kilgour.

8
9 **DR. KILGOUR:** I just wanted a point of clarification on why
10 Action 1 and 2 are in the document, so that you don't think that
11 staff went rogue. They were recommendations from the Coral SSC
12 and AP. If octocorals are not part of the management unit, they
13 can't be considered as coral EFH or for consideration when
14 you're designating coral HAPCs, and so that's why it was
15 recommended by the Coral SSC and AP, but that's just
16 clarification on why that's in there. If the council chooses to
17 remove them, that's perfectly fine. That was just the rationale
18 for including them.

19
20 **CHAIRMAN DIAZ:** Ms. Bosarge.

21
22 **MS. BOSARGE:** Whichever way you want to go, but I just didn't
23 want to go down a route where we have two action items in this
24 document and we think that Florida is doing okay and we pick
25 alternatives that essentially say, okay, Florida, we're going to
26 let you keep doing what you're doing, and yet we have all of
27 this analysis and everything else that has to go into those two
28 action items in order to come back to the point where we
29 started. That was what I was trying to get at.

30
31 **CHAIRMAN DIAZ:** Ms. Guyas.

32
33 **MS. GUYAS:** I am trying to think here. Do I withdraw it and
34 then try to do Alternative 1? I kind of want to put this motion
35 on pause and then try -- I don't know. I don't know if I can do
36 that, but let Camp go.

37
38 **CHAIRMAN DIAZ:** Mr. Matens.

39
40 **MR. MATENS:** Thank you, Mr. Diaz. From a Louisiana standpoint,
41 I'm not certain that I see a difference between Martha's motion
42 that's on the board, which I seconded, and Alternative 1. If
43 somebody goes out and grabs an octocoral, and don't ask me how
44 you do that, but they do, and they land it in Venice, what is
45 the status of that octocoral? As I read each of these, that
46 would not be illegal. Does anyone disagree with that? Okay.
47 From my perspective, I can support either one of these, either
48 Alternative 1 or Martha's motion.

1
2 **CHAIRMAN DIAZ:** Ms. Guyas.
3
4 **MS. GUYAS:** Let me see if I can get us to a resolution here.
5 **Let me withdraw this motion.** Then I will make a motion for
6 Alternative 1. I don't know if you would choose this as a
7 preferred or just to remove Action 1 from the document. How
8 about that? **I will make a motion to remove Action 1.**
9
10 **DR. KILGOUR:** Could you remove Action 2 as well?
11
12 **MS. GUYAS:** **Action 1 and 2.** You're right. Thanks, Morgan.
13
14 **CHAIRMAN DIAZ:** Okay. We have a motion to remove Action 1 and
15 2. It's seconded by Mr. Matens. Any discussion on the motion?
16 **Seeing no discussion, the motion is to move Action 1 and 2 to**
17 **Considered but Rejected. Any opposition to the motion? No**
18 **opposition, and the motion carries.** Dr. Kilgour.
19
20 **DR. KILGOUR:** All right. Moving right along, we're at Pulley
21 Ridge, which is in Action 3, which would be to modify the
22 existing HAPC boundary for regulations in Pulley Ridge. This
23 one is nice and clear as mud, and so I would like to get to the
24 map, so that everyone can understand what I am talking about.
25
26 The very thing that -- There are two Pulley Ridges. The larger
27 rectangle is what we are calling Pulley Ridge North in this
28 document, and that is a giant rectangle that is an existing HAPC
29 that does not have regulations. However, in that small pie-
30 shaped area with the bubbles on the bottom, that is the existing
31 HAPC with regulations.
32
33 There has been a multiyear research investigation on the
34 existing HAPC and the areas adjacent to it, which are included
35 in that box in the big red area. That has been recommended to
36 be expanded for the Pulley Ridge HAPC to have regulations. That
37 is also a contentious area, in that that expanded area has a lot
38 of bottom longliners that fish in that area, especially when
39 they're pushed out past the thirty-five-fathom line in the
40 summer.
41
42 There are several alternatives that are in this. The first one
43 is no action and leave Pulley Ridge the way it is. There is the
44 larger HAPC with no regulations, and that small pie-shaped area
45 will continue to have regulations.
46
47 Alternative 2 would be to expand fishing regulations for the
48 entire Pulley Ridge HAPC, and so that whole large box that is

1 encompassed by the dashed line. The recommended area of the
2 expansion is Alternative 3, to modify the Pulley Ridge South
3 HAPC to include that Portion A, that expanded area, to have the
4 same fishing regulations, and so only that area outlined in red
5 would have fishing regulations.

6
7 Alternative 4 would be to add a new area, that Pulley Ridge
8 South Portion A, as an HAPC with fishing regulations, but the
9 bottom-tending gear that would be prohibited would be bottom
10 trawl, buoy gear, pot or trap, and bottom anchoring, and so
11 bottom longlining would still be allowed within that area.

12
13 I do want to note that it was brought to our attention that the
14 HMS definition of buoy gear is different than the buoy gear in
15 our CFR 622, and so we're going by the buoy gear is defined as
16 that 622 gear, because the buoy gear that's used by HMS does not
17 contact the bottom, and so this is a different type of -- It's
18 called the same thing, but it's different, and I just wanted to
19 highlight that that's what we're talking about in these
20 definitions of bottom-tending gear. I am happy to address any
21 questions, because I know this is a very confusing action.

22
23 **CHAIRMAN DIAZ:** To me, what I think we need to be looking at
24 here is if the range of alternatives that is here is reasonable
25 or does anything need to be added or deleted, and so that's what
26 I think we should be looking at at this point. Is what we have
27 something reasonable that eventually we're going to get to a
28 document that we're going to take out to the public at some time
29 in the future? With that, any comments from the committee? All
30 right. Seeing no comments from the committee, Dr. Kilgour.

31
32 **DR. KILGOUR:** Okay. Moving on to Action 4, that would be the
33 Southeastern Gulf of Mexico, and so there were three areas that
34 were recommended by the joint meeting of the Coral SSC, Coral
35 AP, and the Shrimp AP.

36
37 These areas are Long Mound, Many Mounds, and North Reed. To
38 establish a new HAPC named Long Mound, bound by the following
39 coordinates, in connecting order, and those are provided in that
40 small table. There is Option a, which would be do not establish
41 regulations in this HAPC. Option b would be to prohibit bottom-
42 tending gear in the Long Mounds HAPC. Bottom-tending gear is
43 defined as bottom longline, bottom trawl, buoy gear, dredge, pot
44 or trap, and bottom anchoring by fishing vessels. That language
45 is consistent for both Many Mounds and North Reed.

46
47 I would like to bring to everybody's attention that I tried to
48 include the fishing effort that we have for these sites. It's

1 in Figure 2.4.1. The smaller squares, if you scroll down just a
2 little bit for me, Jessica, so we can go to that 2.4.1, so we
3 can see the existing -- What we did was we took the entirety of
4 the VMS information that we have for March 2007 until July 2015
5 and we applied them to two-and-half-nautical-mile-by-two-and-a-
6 half-nautical-mile grids and summed the number of points within
7 each grid. Those are the big squares.

8
9 The small little squares that you see on this that are white,
10 that's the shrimp ELB data, and that's for the years 2004 to
11 2013. I do have new information that I will be including into
12 that in future iterations of the document, but it's a tremendous
13 amount of data, and I wanted you to have a picture of what it
14 looks like for what we have now.

15
16 Purple, there is somewhere between eleven and fifty pings for
17 the entirety of that timespan from the VMS bottom-tending gear,
18 and that includes bandit rigs. I just wanted you to see that I
19 did try and include existing fishing information that we have.
20 There doesn't appear to be any shrimping going on in these
21 areas, and these little squares could be outliers. They might
22 just be somebody in transit going slow enough where the
23 algorithm picked it up for the shrimp ELB data.

24
25 **CHAIRMAN DIAZ:** Ms. Bosarge.

26
27 **MS. BOSARGE:** I did have a question, as I was going through. On
28 a chart like this, where you show the colors, it's an
29 aggregation of shrimp and VMS data together?

30
31 **DR. KILGOUR:** The small squares are just the shrimp. Those are
32 4,000-foot-by-4,000-foot grids, which I have used for when we
33 had the Shrimp AP joint meeting, so that they could see where
34 those things were.

35
36 Then the VMS are two-and-half-nautical-mile-by-two-and-a-half-
37 nautical-mile squares, and I didn't make them the same size on
38 purpose, because, when you overlay them, you can't see them, and
39 so you wouldn't be able to see the VMS behind the shrimp if I
40 kept them the same size, if that makes sense. It's just the VMS
41 data, which has bandit gear and bottom longlines and any bottom-
42 tending gear.

43
44 **CHAIRMAN DIAZ:** Ms. Bosarge.

45
46 **MS. BOSARGE:** Then just a follow-up. I don't think that my next
47 comment is really going to affect our decision-making process,
48 but I think it's something that we probably need to adjust in

1 the document, in our verbiage, where we say -- A lot of times
2 we'll say, if there is purple or blue shrimp ELB data that that
3 indicates very little, if any, shrimping effort. I think the
4 difference though between the shrimp ELB data and the VMS data
5 is that -- Like on those shrimp points, you've got a box for one
6 to ten points, and the same thing for the VMS.

7
8 The difference is the VMS is a census. Anybody out there
9 fishing for reef fish has got that VMS. The shrimp ELB is not.
10 It's a survey, kind of like MRIP is a survey, and you wouldn't
11 want to say, well, the actual intercepts that we got from MRIP
12 are your landings for the recreational fishery. No, you have to
13 extrapolate it to the whole population. It's the same with the
14 ELB.

15
16 There is only a small portion of boats that are outfitted with
17 that ELB, and so, even though there may be one to ten points,
18 when you extrapolate it, it may look a lot different, since
19 there's like 1,400 and something permits.

20
21 Then the only other comment that I will make is that, in any
22 area where we might think that there could be some deepwater
23 shrimping, some royal red shrimping, I think we should probably
24 not assume that maybe, because it's white or pink, that there's
25 no effort. We need to look really hard at those, which I think
26 we've already got this under control, but just in the verbiage
27 of the document, because there is only about this many guys that
28 do that year in and year out.

29
30 We're talking about five to ten people that do it, and so, if
31 you see a ping, that's a royal red area, and so I think that we
32 just need to take that into account as we look at those and
33 maybe change the verbiage if we see pink and blue, and I say
34 that because, if you look at page 39 of the document -- This is
35 what threw me.

36
37 I was like, man, we don't have any shrimp effort that seems to
38 show up green and yellow, and, I mean, I know we're out there
39 dragging, day in and day out, and surely we've got some shrimp
40 effort out there. Everything is pink and blue and then a little
41 hint of green here and there.

42
43 I said, well, let me look off of Texas and Louisiana, because,
44 if any area is heavily fished, or heavily shrimped, it ought to
45 be there. We're dragging, and that's primetime shrimp grounds.
46 When you look at page 39, it's all blue and pink, and, in my
47 mind, that should probably be all green and yellow. That's
48 where your primetime shrimping is. I think we just need to

1 adjust how we look at those colors and either extrapolate it out
2 or understand that pink and blue are in fact high shrimp effort.

3

4 **CHAIRMAN DIAZ:** Ms. Guyas and then Dr. Kilgour.

5

6 **MS. GUYAS:** I had a question about this one. Since this
7 document came out, I have heard from some little birds that
8 these boxes may not be in the right places, and so I'm just
9 wondering if we're still at the point where the coral folks and
10 shrimpers and longliners are still getting together and refining
11 boundaries?

12

13 **CHAIRMAN DIAZ:** Dr. Kilgour.

14

15 **DR. KILGOUR:** I guess I will talk to you about that for this
16 particular -- The Pulley Ridge was an area that was contentious,
17 where we had a working group with the coral scientists and the
18 bottom longliners who have come to all the meetings and provided
19 us with information.

20

21 There wasn't a consensus. It was apparent that I needed to get
22 more information from both groups before we could -- When I got
23 more information, and I saw the longliners individual tracks, it
24 was really apparent that they're constantly using that expanded
25 area and that there wouldn't be really a meeting in the middle,
26 based on that information from the cruises that had been
27 examining Pulley Ridge, which is why there is that Alternative 4
28 which would exempt the bottom longliners who have obviously been
29 using this area for a long time.

30

31 All this new information is showing that these corals are really
32 healthy, and so it would be exempting them and just kind of
33 freezing the footprint of future fisheries, which I think is the
34 intent of most of these areas, is to kind of just not push out
35 existing fishermen, but it's to freeze the footprint so that
36 they're preserved for the future, or at least that's what my
37 understanding was from a lot of these coral scientists.

38

39 These particular areas, if the boundaries are changing, that's
40 new to me. As a side note, there is a cruise coming out this
41 August from the NOAA Deep-Sea Coral Program, and they're going
42 to these particular sites because the council is considering
43 them, to gather new information. They have a few tracks along
44 these, but I have not heard that these boxes are in the wrong
45 spots. I think it's more to address in and outside of these
46 boxes, to make sure that all the corals necessary are being
47 protected.

48

1 We'll be getting more information on these particular areas come
2 the summer's end, but I would like to highlight something that I
3 didn't do a good job of explaining, which is what Leann was
4 talking about on the ELB data. Those are active fishing. The
5 ELB points that you see that are highlighted, that is produced
6 by an algorithm from NMFS.

7
8 Those are actual fishing points. It's based on the time between
9 each -- The ELBs ping every ten minutes, and it's based on the
10 time between the pings and the distance and whether or not they
11 were going slow enough to be dragging in it.

12
13 The VMS data pings once an hour, regardless of fishing or not,
14 and so the VMS data is all pings, and the ELB data is
15 concentrated into those fishing pings, and that's something I
16 didn't do a good job of explaining, and I will do a better job
17 of describing that in the legends for these figures, so that
18 it's very clear that one is an actual fishing point and the
19 other could be a transit point or it could be a fishing point.
20 You generally can tell where the fishing is, because they're a
21 lot more concentrated, but I wanted to make those two
22 clarifications as well.

23
24 **CHAIRMAN DIAZ:** Ms. Guyas.

25
26 **MS. GUYAS:** I guess just a follow-up on that. I guess, once we
27 have this new information from these cruises, are we going to
28 kick that back to the fishermen and the coral scientists? It
29 seems like we're going to have to maybe think about changing
30 boundaries, potentially, depending on what information comes out
31 of that. I'm just trying to figure out what our process is
32 going to be for that.

33
34 **CHAIRMAN DIAZ:** Dr. Kilgour.

35
36 **DR. KILGOUR:** Sure. If you would like me to figure out if these
37 boundaries need to be modified, absolutely. I have not heard
38 that these are areas that are contentious from the fishermen
39 yet, and so I'm happy to -- I think there might be some concern,
40 probably on that Many Mounds, looking at the VMS data, but the
41 other two potentially not. I mean, Long Mound doesn't have any
42 pings in it at all, but, the more information I can get to
43 provide to the council, I am happy to do.

44
45 **CHAIRMAN DIAZ:** Ms. Bosarge.

46
47 **MS. BOSARGE:** How many fishermen do we have prosecuting that
48 fishery right in that area off the Peninsula of Florida? Are we

1 talking less than a hundred or are we talking fifty or are we
2 talking --

3

4 **CHAIRMAN DIAZ:** Dr. Kilgour.

5

6 **DR. KILGOUR:** I don't have that information distilled down. I
7 could get that for you.

8

9 **CHAIRMAN DIAZ:** Ms. Bosarge.

10

11 **MS. BOSARGE:** Let me elaborate, because I am just wondering. It
12 looks like eleven to fifty might not be too many pings, but, if
13 you only have about ten people working out of that area doing
14 this type of fishing, that may very well be a lot of effort for
15 those gentlemen. It depends on -- It's relative, right, as to
16 how many fishermen you have there.

17

18 **CHAIRMAN DIAZ:** Dr. Kilgour, are you ready to proceed?

19

20 **DR. KILGOUR:** Sure. Are there any more questions on this
21 particular action? Okay. Action 5 would be New Areas for HAPC
22 Status in the Northeastern Gulf of Mexico, and this has several
23 different areas.

24

25 Establish a new HAPC named Alabama Alps bound by the following
26 coordinates, in connecting order, and those are all provided to
27 you in that table. There is Option a, which is do not establish
28 regulations in the Alabama Alps, and it just occurred to me that
29 we need to say, "do not establish fishing regulations", and so I
30 will modify all the options to state that. Then Option b is to
31 prohibit bottom-tending gear in the Alabama Alps HAPC. Bottom-
32 tending gear is defined as bottom longline, bottom trawl, buoy
33 gear, dredge, pot or trap, and bottom anchoring by fishing
34 vessels. Option a and b are consistent for all of the
35 alternatives.

36

37 Alternative 3 would be establish a new HAPC named L&W Pinnacles
38 and Scamp Reef. Alternative 4 would be establish a new HAPC
39 named Mississippi Canyon 118. Alternative 5 would establish a
40 new HAPC named Roughtongue Reef. Alternative 6 would be
41 establish a new HAPC named Viosca Knoll 826.

42

43 Alternative 7 is establish a new HAPC named Viosca Knoll
44 862/906. This is the one alternative that has three different
45 options, and that is because this Viosca Knoll 862/906 is an
46 area that is frequently used for royal red shrimpers to pull up
47 their nets over the top of that knoll, and so they're not
48 actually contacting the bottom, but, because of the depth of the

1 nets and the length of their cable, it takes them a really long
2 time to pull those in onboard.

3
4 This would prohibit bottom-tending gear, but it would provide an
5 exemption for bottom-tending gear for fishermen possessing a
6 royal red shrimp endorsement and fishing with royal red shrimp
7 fishing gear.

8
9 After discussions with the royal red shrimp fisherman who has
10 been very helpful with this particular area, they don't have
11 gear that is very specific to royal reds, other than they have
12 longer cable, and so it's not like I can say this type of net or
13 this type of winch, because it's basically the length of the
14 cable that is really different from royal reds versus penaeid
15 shrimping.

16
17 If you look at the Figure 2.5.1, I have these separated, and you
18 can see that Alabama Alps, L&W Pinnacles, and Scamp Reef and
19 Roughtongue Reef all have a pretty significant amount of VMS
20 tracks, VMS pings, in those areas.

21
22 When you look at the VMS pings for those individually, they tend
23 to be bandit rig gear that are used over those, and so that
24 might be something the council wants to consider, and then, if
25 you look at the shrimp ELB information on the next figure,
26 Figure 2.5.1, you can see Viosca Knoll is very clearly a used
27 area, and I will go and fix those figures so that you can see
28 the colors a little bit better, but, again, those are active
29 fishing pings. Those aren't just once-an-hour pings, and so
30 that Viosca Knoll 862/906 was the one area the royal red shrimp
31 fishermen use to pull up their nets. Are there any questions on
32 this action and the alternatives?

33
34 **CHAIRMAN DIAZ:** Ms. Bosarge.

35
36 **MS. BOSARGE:** Just a technical change on page 31, where you're
37 addressing that royal red shrimping, the line that says, "nets
38 are brought up onboard before reaching the reef area", and I
39 think you just need to strike "onboard", and it would be spot-
40 on.

41
42 **CHAIRMAN DIAZ:** Dr. Kilgour.

43
44 **DR. KILGOUR:** I am opening a can of worms here, but, in the
45 interest of time for this document, there are those three reefs
46 that are up in the -- Alabama Alps, L&W Pinnacles, and Scamp
47 Reef and Roughtongue Reef that have that bandit rig gear. Would
48 you like me to add an option, similar to the ones that I have

1 added for the bottom longliners in Pulley Ridge and the royal
2 red shrimpers in Viosca Knoll, to exempt bandit rigs, or is the
3 council comfortable with how the options are here?
4

5 **CHAIRMAN DIAZ:** Ms. Bosarge.
6

7 **MS. BOSARGE:** Thank you for entertaining me again. I think we
8 do need to do something. I mean, if we don't have evidence that
9 those fishermen are an extreme risk to that coral, then yes. If
10 they're fishing sustainably, they should somehow be able to
11 continue.
12

13 We could possibly look at exemption for those fishermen. We
14 could look at something that is more of a tiered approach, like
15 we did with the Flower Gardens, where you put a tight ring
16 around the actual structure itself, the relief. However you
17 want to go about it, but I think that, yes, we definitely need
18 some options to allow fishermen that are fishing sustainably to
19 continue to do so.
20

21 **CHAIRMAN DIAZ:** Any other comments from the committee? I am not
22 seeing any other comments, Dr. Kilgour, and so we'll add those
23 extra alternatives. You can proceed.
24

25 **DR. KILGOUR:** All right. Action 6 is New Areas for HAPC Status
26 in the Northwestern Gulf of Mexico. There would be -- I think
27 there is three alternatives besides the no action alternative.
28 Alternative 2 would establish a new HAPC at AT 047 bound by the
29 following coordinates, connecting in order.
30

31 Option a is, again, do not establish fishing regulations in AT
32 047 or prohibit bottom-tending gear in AT 047 Bank. Bottom-
33 tending gear is defined as bottom longline, bottom trawl, buoy
34 gear, dredge, pot or trap, and bottom anchoring by fishing
35 vessels, and those Options a and b are consistent for the next
36 two alternatives. Alternative 3 is establish an HAPC at AT 357,
37 and Alternative 4 is establish a new HAPC named Green Canyon
38 852.
39

40 If you look at Figure 2.6.1, you can see the areas. I have the
41 VMS information and the ELB information on the same, and it
42 doesn't look like any of these areas are contentious, and so are
43 there any questions on the northwestern Gulf of Mexico proposed
44 HAPCs?
45

46 **CHAIRMAN DIAZ:** Seeing none, proceed, Dr. Kilgour.
47

48 **DR. KILGOUR:** Okay. Action 7 is New Areas for HAPC Status in

1 the Southwestern Gulf of Mexico. There are two areas in this.
2 Alternative 2 would establish a new HAPC named Harte Bank bound
3 by the following coordinates, and it would, again, have that
4 Option a, which is do not establish fishing regulations. Then
5 Option b would be to prohibit bottom-tending gear.
6

7 Alternative 3 is establish a new HAPC named Southern Bank bound
8 by the following coordinates, and it has the options to either
9 establish or not establish fishing regulations.
10

11 If you look at the Figure 2.7.1, you can see that Southern Bank,
12 up there in the north, doesn't seem to be a contentious area.
13 Harte Bank does have between 101 and 500 pings over the eight
14 years of information for bottom-tending gear, and I believe, if
15 I remember correctly, and it's discussed in Alternative 3, that
16 those are pretty much evenly mixed between bottom longlines and
17 bandit rig gear.
18

19 **CHAIRMAN DIAZ:** Any questions or comments? Okay, Dr. Kilgour.
20 You can proceed.
21

22 **DR. KILGOUR:** Okay. Action 8 would be to establish HAPC areas,
23 but these areas were not recommended to have fishing
24 regulations, and so they would just be HAPCs, and there are no
25 options to establish those fishing regulations.
26

27 Alternative 2 is establish a new HAPC named South Reed, and that
28 is actually just south of the Pulley Ridge. Alternative 3 would
29 be establish a new HAPC called Garden Banks 299. Alternative 4
30 would be a new HAPC named Garden Banks 535. Alternative 5 would
31 be a new HAPC named Green Canyon 140 and 272. This is a pretty
32 large area, and it spans these two lease blocks as well as many
33 others.
34

35 Alternative 6 would be establish a new HAPC named Green Canyon
36 234. Alternative 7 is establish a new HAPC named Green Canyon
37 354. Alternative 8 would be a new HAPC named Mississippi Canyon
38 751, and Alternative 9 would be a new HAPC named Mississippi
39 Canyon 885. A map of all but South Reed is on Figure 2.8.1.
40 Again, none of these were recommended to have fishing
41 regulations. They all occur in very deep water.
42

43 **CHAIRMAN DIAZ:** I am not seeing any questions or comments.
44 Proceed, Dr. Kilgour.
45

46 **DR. KILGOUR:** Okay. The last action would be Action 9, which
47 would prohibit dredging in all existing HAPCs that have fishing
48 regulations. When we were doing a history of the management and

1 we were also looking at the existing regulations on HAPCs, it
2 wasn't consistent to have dredging as a prohibited gear in these
3 HAPCs, and, while some of them, I'm sure, don't have consistent
4 regulations because of existing fisheries, it doesn't seem that
5 dredging is a fishery that exists in the EEZ in the Gulf, and
6 the IPT was curious as to whether or not this should be
7 something that's addressed and just apply a no-dredging
8 prohibition into the existing HAPCs with regulations.

9
10 That is something that I guess we need guidance on, if the
11 council would like to leave this in the document, to just
12 maintain consistency, or if we can pull this from the document.

13
14 **CHAIRMAN DIAZ:** Dr. Frazer.

15
16 **DR. FRAZER:** I would prefer to leave it in the document.

17
18 **CHAIRMAN DIAZ:** Okay, Dr. Kilgour.

19
20 **DR. KILGOUR:** Wow. Okay. That's it for this. I am really
21 impressed we got through it.

22
23 **CHAIRMAN DIAZ:** Ms. Bosarge.

24
25 **MS. BOSARGE:** Of course it's not that easy. No, but I had a
26 question. In our discussions in the past with HAPC designation,
27 we talked about implications for other users of the sea, like
28 what it may mean to them, besides fishing.

29
30 Can we add some sort of discussion about that in the very
31 beginning, just in case we have some sort of public comment or
32 something like that from somebody outside of fishing might want
33 to be educated on it? I think there is some sort of
34 consultation, maybe, that has to happen from oil and gas if it's
35 a designated HAPC, but I'm not sure what they have to consult on
36 and when and things like that.

37
38 **CHAIRMAN DIAZ:** Dr. Kilgour.

39
40 **DR. KILGOUR:** Sure. I would be happy to add some discussion on
41 that. Right now, if it's considered coral EFH, there is
42 automatically a consultation triggered. There is probably a
43 little bit more rigorous of a consultation if it's an HAPC, but
44 I think the thing that we've been getting a lot of public
45 comment on is why aren't we considering the deep-sea coral
46 provision in Magnuson, and there is two reasons.

47
48 First, the Coral SSC did not recommend that, but the second is

1 we have a Coral FMP, and so we have an avenue to protect corals.
2 That deep-sea provision is for councils that don't have a Coral
3 Fishery Management Plan, and so they don't have an avenue to
4 protect corals.

5
6 Also, the deep-sea coral provision will only prohibit fishing.
7 It doesn't require any consultation with NMFS for any other
8 extractive purposes, and so an HAPC or a coral EFH is actually a
9 more rigorous mechanism for protecting these areas, because it
10 requires a consultation with NMFS, whereas the deep-sea coral
11 discretionary provision does not. It just prohibits fishing.

12
13 **CHAIRMAN DIAZ:** Ms. Bosarge.

14
15 **MS. BOSARGE:** Last comment, I promise. I think that maybe one
16 other decision point that we might need in this document, which
17 would probably have to go at the very beginning, is to have some
18 sort of discussion and an action item where we definitively
19 decide that we are going to go with a definition of deep-sea
20 coral as fifty meters, as opposed to the precedent and NOAA
21 definition of 150 meters.

22
23 I don't think that's something that we should just arbitrarily
24 do without some discussion and a vote and a decision, and so I
25 would like to see that action item in the document.

26
27 **CHAIRMAN DIAZ:** Mr. Greene.

28
29 **MR. JOHNNY GREENE:** Morgan, just to be clear, when you read
30 through the document, it talks about bottom anchoring by fishing
31 vessels. Does that depict any type of a fishery or is that any
32 vessel, whether it's a small private boat or a large commercial
33 boat? That is by all vessels, correct?

34
35 **DR. KILGOUR:** Correct. That's by all vessels that are fishing,
36 and so, if you're not fishing, but you're diving, you can
37 anchor. It's a fishing vessel.

38
39 **MR. GREENE:** Hang on a second.

40
41 **DR. KILGOUR:** If you're spearfishing, yes, but, if you're diving
42 and you don't have fishing equipment onboard, that's correct.

43
44 **MR. GREENE:** If I have dive gear onboard and happen to be
45 fishing, this is a whole can of worms here. Do you see where
46 I'm going? I mean, it's one of those things that -- If you're
47 going to eliminate anchoring, you're eliminating anchoring, but,
48 if you're going to eliminate anchoring, but only if I'm doing

1 this, or maybe not that, that seems like an enforcement
2 nightmare, to be honest. I am not trying to make it any worse,
3 but it's just something that seems like a big deal.

4
5 **CHAIRMAN DIAZ:** Ms. Bosarge.

6
7 **MS. BOSARGE:** I agree with Johnny. I mean, what's the danger,
8 the fishing or the anchor? If the anchor is the danger, then
9 the anchor is the danger. It doesn't really matter why you're
10 putting it on the bottom. The anchor is the danger. That's not
11 to say that I'm excited about going that route. I certainly am
12 not, but that's a --

13
14 **CHAIRMAN DIAZ:** Dr. Kilgour.

15
16 **DR. KILGOUR:** The problem is that the only regulations that the
17 council can implement are fishing regulations, and so we don't
18 have the jurisdiction to prohibit all anchoring unless it's by a
19 fishing vessel, if that makes sense.

20
21 **CHAIRMAN DIAZ:** Mr. Swindell.

22
23 **MR. ED SWINDELL:** At the same time, the council has regulations
24 over coral as part of our fishing group, and so, to me, any
25 regulation that you want to put in -- It doesn't have to be a
26 fishing vessel, but you just want anchors. It still is a
27 fishing group. I mean, it's a group of a harvestable resource
28 in the Gulf of Mexico. Thank you.

29
30 **CHAIRMAN DIAZ:** All right. I tend to agree with Mr. Greene.
31 Ms. Levy, do you want to weigh in on this?

32
33 **MS. LEVY:** Not right this minute.

34
35 **CHAIRMAN DIAZ:** Mr. Swindell.

36
37 **MR. SWINDELL:** Let me explain a little bit more. I guess when
38 we got -- Many years ago, we got into this whole coral thing,
39 and it came under the realm that we are responsible for
40 protecting coral because it is part of the fishable resource,
41 perhaps, in the Gulf of Mexico. Why in the world are we looking
42 at it if it's not? Are we only looking at it to protect on the
43 coral grounds? I don't understand that. We have been looking
44 at coral, and we've had it in our program for many years, and
45 not just to keep people from fishing on it, but it was to
46 protect the coral. Am I not right?

47
48 To me, we can say that you can't put an anchor down here,

1 period, and I don't care if you're out there trying to do wind
2 turbines, if you're using wind turbines to generate electricity.
3 You can't go put an anchor on a coral reef. I think we have to
4 disallow it. Thank you.

5
6 **CHAIRMAN DIAZ:** Ms. Levy, would you mind if I just put you on
7 the spot and asked you to look into this for us and maybe
8 enlighten us at Full Council, whenever we do the Coral Report,
9 if there is any further action that we could take legally to
10 properly manage corals with anchors? Thank you.

11
12 **MS. LEVY:** Will do. I suspect the answer is going to be what
13 Morgan said, that we regulate fishing, and so we can't just go
14 out and prohibit that anybody doing anything cannot put
15 something on the bottom, but I will double-check that for you.

16
17 **CHAIRMAN DIAZ:** Thank you, ma'am. Any other comments? Dr.
18 Frazer.

19
20 **DR. FRAZER:** I am thinking about this. The corals are part of
21 the fishery management plan, as Ed said, and so anything that
22 you're doing to negatively impact that group of organisms within
23 the fishery management plan I would think would be subject to a
24 regulation, and so no anchoring is no anchoring, and that's how
25 I would read that.

26
27 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Any other comments?
28 Lieutenant Commander Danaher.

29
30 **LCDR LEO DANAHER:** I am certainly not trying to undermine NOAA
31 here, because they're going to have the official word, but, just
32 looking at the CFR for 666.74, with regards to HAPCs, it does
33 say fishing vessels that are anchoring, anchoring by fishing
34 vessels, for all of them, and so that kind of reinforces your
35 point, Dr. Kilgour.

36
37 **CHAIRMAN DIAZ:** Ms. Levy.

38
39 **MS. LEVY:** Well, just, when you think about it, there is lots of
40 things and lots of activities that happen that kill reef fish,
41 but the council and NMFS don't have the jurisdiction to prohibit
42 them. We can regulate fishing activity. We can't tell someone
43 that they can't take their oil rig out if BOEM says you can take
44 it out, and so corals are fish under the Act, and so it's not
45 like we can just have jurisdiction to say that you can't do
46 anything that can harm fish.

47
48 **CHAIRMAN DIAZ:** Dr. Frazer.

1
2 **DR. FRAZER:** But they're essential habitat that provides
3 services that promote those fishery resources, and so we're also
4 responsible for protecting that habitat, correct?
5

6 **MS. LEVY:** You can designate the areas, like we're talking
7 about, as essential fish habitat, or habitat areas of particular
8 concern, under the essential fish habitat regulations, but,
9 again, that gives a consultation responsibility between NMFS and
10 another federal agency, but there is nothing that then prohibits
11 the authorization from another federal agency for things that
12 might impact it, and so it's not a prohibition. It sets up a
13 consultation process that has to happen between federal
14 agencies.
15

16 You can definitely regulate fishing. There is the obligation to
17 minimize fishing impacts on essential fish habitat. Then there
18 is the separate consultation provision that goes towards what
19 other federal agencies are doing with respect to impacts to
20 essential fish habitat.
21

22 **CHAIRMAN DIAZ:** Dr. Frazer.
23

24 **DR. FRAZER:** Thank you. So now I'm just trying to understand.
25 So does this -- If this moves forward, would it initiate then a
26 -- I mean, it would initiate a consultation, but do we know
27 which consultations that it would initiate, with what agencies?
28

29 **MS. LEVY:** It depends what's being proposed. If an agency
30 determines that what it's doing may have adverse effects on
31 essential fish habitat, then there is a trigger for them to
32 consult with NMFS, but that is completely separate from then the
33 council's obligation to minimize fishing impacts on essential
34 fish habitat. Those are two separate things.
35

36 **CHAIRMAN DIAZ:** Dr. Simmons.
37

38 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. I was just going
39 to ask, under Action 5, I thought there was some discussion
40 about adding some options in for exemptions to various gears,
41 and you don't have to do it during committee, but it would
42 helpful, at Full Council, if you could give us a motion, so
43 staff is clear on that, and if it's just for that Action 5.
44 Morgan may know exactly what the intent was, but, back here, it
45 was hard for us to hear, and so, by Full Council, we would need
46 that information.
47

48 **CHAIRMAN DIAZ:** Okay. I think that might have been where Ms.

1 Bosarge was talking about maybe a tiered approach. I believe
2 that's what she's referring to. Any other questions or
3 comments? Seeing none --

4
5 **DR. SIMMONS:** Mr. Chairman, would you like to make a motion
6 about that, so staff can go ahead and put that in the document?
7 That was my suggestion. Do you want to wait until Full Council?

8
9 **CHAIRMAN DIAZ:** Ms. Bosarge.

10
11 **MS. BOSARGE:** You will have to give me a minute to find it, and
12 so probably at Full Council would be better, to let me figure
13 out if anybody wants to make the motion, since I am the
14 Chairman, and we'll see where we can go with that.

15
16 **CHAIRMAN DIAZ:** All right. Dr. Kilgour, does that take us
17 through Coral Amendment 9, or do you have further information on
18 Coral Amendment 9?

19
20 **DR. KILGOUR:** I think I am clear, and I will work with you about
21 the tiered approach, because I think I understood, and so I will
22 work with you on that, and so I'm done with Coral Amendment 9,
23 unless there are any other questions.

24
25 **CHAIRMAN DIAZ:** Seeing no further questions, that brings us to
26 the next item on the agenda, which is Other Business. Dr.
27 Kilgour is going to give us an update on the Flower Garden Banks
28 National Marine Sanctuary and the Florida Keys National Marine
29 Sanctuary. Dr. Kilgour.

30
31 **OTHER BUSINESS**
32 **UPDATE ON FLOWER GARDEN BANKS AND FLORIDA KEYS NATIONAL MARINE**
33 **SANCTUARIES**

34
35 **DR. KILGOUR:** I will be really brief, and, if there are any
36 questions, I will try and answer them, but the Flower Garden
37 Banks National Marine Sanctuary has presented you with a Draft
38 EIS last June, and we commented on the EIS and then on specific
39 regulations later that year.

40
41 They are currently working with a boundary expansion working
42 group, which seems to be meeting every two to three weeks to
43 talk about the expanded areas and the analyses that have been
44 going into those areas. I sat in via webinar on one of those
45 meetings, and they haven't gotten to the regulations portion of
46 that yet. They're talking about the nitty-gritty details of
47 those areas.

48

1 They are reviewing and addressing all submitted comments,
2 including the specific comments submitted by the council, but I
3 was told by G.P. that the council comments are not just public
4 comments. They need to take into consideration the regulations
5 that the council has proposed and work directly with the council
6 for those regulations, and so that will be an ongoing process,
7 and it will not be finalized anytime soon.

8
9 They think that they may have a final EIS by spring of 2018, but
10 there is a significant amount of analysis that needs to be
11 conducted, based on some Executive Orders that have come out,
12 and so that will be ongoing.

13
14 They are working with the industry on the expansion, including
15 fishing and oil and gas. That is what I have for the Flower
16 Garden Banks National Marine Sanctuary, and I will stay on top
17 of this and keep you posted if there are any updates. Are there
18 any questions?

19
20 For the Florida Keys National Marine Sanctuary, the Draft
21 Environmental Impact Statement includes a range of alternatives,
22 including a no action alternative and three additional
23 alternatives. The additional alternatives include a boundary, a
24 marine zone, and associated regulations.

25
26 It was noted -- Of interest to the Gulf Council in particular,
27 would be that alternative to include Pulley Ridge. As soon as
28 they have a Draft Environmental Impact Statement, they will
29 provide it to us, but they are not far along on that. It's
30 taking a lot more time, based on the multijurisdictional nature
31 of where the Florida Keys is. They have National Park Service
32 that overlaps, and they have had several turnovers of
33 superintendents, both with the Sanctuary and with the Park
34 Service, and so it's taking a lot more time than the Flower
35 Garden has.

36
37 Then the State of Florida is providing a significant portion of
38 the science that goes behind that expansion, and they will be --
39 They are trying to emulate what the Flower Garden Banks did,
40 which is, when they get the Draft EIS, they will come and give a
41 presentation to the council, so that you can ask questions, and
42 they want us to have sufficient time to provide comments and
43 things when they do have that.

44
45 I think the earliest that I was told was later this year, but it
46 might not be until 2018 until a Draft Environmental Impact
47 Statement is provided to the council.

48

1 **CHAIRMAN DIAZ:** Ms. Bosarge.
2
3 **MS. BOSARGE:** I just, on the record, wanted to extend a thank-
4 you to G.P. Schmahl for really -- It sounds like they really are
5 considering the white paper that we wrote and submitted to them
6 and want to get back with us on it and take a look at it, and I
7 appreciate that. That means a lot to us, and so please extend
8 my thank-you.
9
10 **CHAIRMAN DIAZ:** Do you have anything else, Dr. Kilgour?
11
12 **DR. KILGOUR:** No, I'm good, and look at that. We're well above
13 time.
14
15 **CHAIRMAN DIAZ:** On time and under budget. Seeing no further
16 hands, that concludes the Joint Coral/Habitat Protection &
17 Restoration Committee.
18
19 (Whereupon, the meeting adjourned on June 5, 2017.)
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21 - - -