

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT CORAL/HABITAT PROTECTION & RESTORATION COMMITTEE

Beau Rivage Resort Biloxi, Mississippi

October 2, 2017

**CORAL COMMITTEE VOTING MEMBERS**

- John Sanchez.....Florida
- Tom Frazer.....Florida
- John Greene.....Alabama
- Martha Guyas (designee for Nick Wiley).....Florida
- Campo Matens.....Louisiana
- Paul Mickle (designee for Jamie Miller).....Mississippi

**HABITAT PROTECTION & RESTORATION COMMITTEE VOTING MEMBERS**

- Dale Diaz.....Mississippi
- Patrick Banks.....Louisiana
- John Greene.....Alabama
- Martha Guyas (designee for Nick Wiley).....Florida
- Campo Matens.....Louisiana
- John Sanchez.....Florida
- Greg Stunz.....Texas

**NON-VOTING MEMBERS**

- Kevin Anson.....Alabama
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Dave Donaldson.....GSMFC
- Phil Dyskow.....Florida
- LCDR Stacy McNeer.....USCG
- Robin Riechers.....Texas
- Bob Shipp.....Alabama
- Andy Strelcheck (designee for Roy Crabtree).....NMFS
- Ed Swindell.....Louisiana

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Douglas Gregory.....Executive Director
- Morgan Kilgour.....Fishery Biologist
- Mary Levy.....NOAA General Counsel
- Emily Muehlstein.....Public Information Officer
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Administrative & Human Resources Assistant
- Carrie Simmons.....Deputy Director

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11 Tim Griner.....SAFMC  
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13 Joe Jewell.....MDMR, MS  
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17 Jack McGovern.....NMFS  
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23 James Zurbrick.....Steinhatchee, FL  
24 Patricia Zurbrick.....Steinhatchee, FL

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26  
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34

35

1 The Joint Coral/Habitat Protection & Restoration Committees of  
2 the Gulf of Mexico Fishery Management Council convened at the  
3 Beau Rivage Resort, Biloxi, Mississippi, Monday morning, October  
4 2, 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:** At this time, I would like to call the  
11 Joint Coral/Habitat Protection & Restoration Committee to order.  
12 The first thing I'm going to go is I'm going to go through the  
13 list of the committee members, and I believe everybody is here  
14 today.

15  
16 For the Coral Committee, John Sanchez is the Chair, and Tom  
17 Frazer is the Vice Chair. Then we have Johnny Greene, Camp  
18 Matens, Dr. Mickle, and Ms. Guyas. For the Habitat Protection  
19 Committee, I am the Chair, and Mr. Sanchez and I have talked it  
20 over, and we have agreed to allow me to chair this meeting.  
21 Also on the Habitat Protection Committee, the Vice Chair is Mr.  
22 Greene, and we have Mr. Banks, Mr. Constant, Mr. Matens, Dr.  
23 Stunz, and, again, Ms. Guyas.

24  
25 First up on the agenda is the Adoption of the Agenda. Is  
26 anybody opposed to adopting the agenda as written, or does  
27 anybody have any other business they would like to add to the  
28 end of the agenda? Seeing no other business, the agenda is  
29 adopted.

30  
31 The next thing is Approval of the June 2017 Coral/Habitat  
32 Protection & Restoration Committee Minutes. Are there any  
33 additions or deletions or edits to the minutes? Seeing none,  
34 the minutes are adopted.

35  
36 Next up on the agenda is the Action Guide and Next Steps. I am  
37 going to take just a minute and talk about this for a second.  
38 Dr. Kilgour is going to go through and give us an update on a  
39 research cruise that was recently taken on some of the areas  
40 that are in Draft Coral Amendment 9, and so that's going to be  
41 Number IV.

42  
43 Number V is when we're going to actually go through Draft Coral  
44 Amendment 9, and one of the things we're going to have as an  
45 objective today is try to pick preferreds in this document, and,  
46 if we do pick preferreds, we will send the document out to  
47 public hearing after the SSC meets in January, before our next  
48 meeting. That is something we're shooting for, but I do want to

1 say that I want to make sure that we get the document right.

2  
3 I am not necessarily worried about the timeline more than I am  
4 about getting the document right, and so, if we get to something  
5 and we need more information or we have to work through it, I am  
6 more concerned with getting the document right.

7  
8 Lastly, I guess, on this next steps, if we do get to the point  
9 where we can do public hearings, Dr. Kilgour has a suggested  
10 list of locations for those public hearings, if we get there,  
11 and, with that, I'm going to turn it over to Dr. Kilgour, and  
12 she is going to give us a summary of the Southeast Deep-Sea  
13 Coral Initiative. Dr. Kilgour.

14  
15 **SUMMARY OF THE SOUTHEAST DEEP-SEA CORAL INITIATIVE**

16  
17 **DR. MORGAN KILGOUR:** Thank you. In August of 2017, from the 12<sup>th</sup>  
18 until the 24<sup>th</sup>, NOAA's Deep-Sea Coral Research and Technology  
19 Program funded a cruise to go to the Southeast to look at deep-  
20 sea corals or in these proposed HAPCs. This was an effort to  
21 highlight these areas for management and to basically see if the  
22 boundaries are correct.

23  
24 I was invited to participate on this cruise, and that was very  
25 beneficial, because I was able to help dictate where some of  
26 these locations would be, to make sure that they were inside the  
27 HAPCs, and also to be able to have the data ready to go for this  
28 public hearing draft, instead of having to wait for a final  
29 report.

30  
31 I am just going to briefly brag, I mean talk, about the research  
32 cruise that we went on. The NOAA Deep-Sea Coral Research and  
33 Technology Program has three-year cycles. One of the major foci  
34 of the program is to facilitate management through research, and  
35 so their whole objective is to provide information to the  
36 councils and other management agencies around the United States  
37 to help improve information about corals.

38  
39 The 2016 to 2019 field seasons are focusing on the Southeast,  
40 and they have been consulting with council staff on locations  
41 for research expeditions and data needs, and not just Gulf  
42 Council, but also the South Atlantic and the Caribbean. Right  
43 there is a photo that we took on that research expedition of  
44 giant mounds of lophelia on one of the areas.

45  
46 There were various researchers from NOAA, USGS, Florida State  
47 University, USF, and the Gulf Council on the leg that I was  
48 participating on, which was the 12<sup>th</sup> through the 24<sup>th</sup>. The second

1 leg of the journey went to the South Atlantic, and there were  
2 South Atlantic staff on that leg of the journey, and so we went  
3 in and out of St. Pete to look at the proposed HAPCs and  
4 surrounding areas on the West Florida Shelf. There is another  
5 photo from the expedition of a blueline tilefish.

6  
7 It cut off my map, but, basically, these are the areas that went  
8 to in the green stars, and so I tried to get them to go to the  
9 corners of the HAPC boxes, when possible. Sometimes this wasn't  
10 always -- Long Mound was our first site that we went to, and you  
11 can see that we went to the far northwest corner and the  
12 southeast corner of that HAPC, the proposed box, but, just to --  
13 We were dealing with a ripping current, and so it kind of  
14 hindered where we could actually go.

15  
16 This is the photo of the loop current at the time of the  
17 expedition, and the little white dots are the proposed areas  
18 that we were supposed to go to, and you can see that we were  
19 dealing with a six to seven-knot current on the bottom, and,  
20 when you have 200 meters, or 600 feet, of tether in the water,  
21 it makes it very difficult to stay on station, even when you're  
22 dealing with a really large ROV.

23  
24 However, we were successful. There were thirteen dives and over  
25 fifty-one hours on the bottom. We went to Long Mound, Many  
26 Mound, and the North Reed Site, which are in this document, and  
27 then the Okeanos Ridge, which was a proposed area from the Coral  
28 SSC and AP back in 2015, but it's not in this document.

29  
30 We mapped over 2,300 square meters, and we took fifty-one  
31 biological samples, which will be used for reproductive  
32 information for lophelia, and we validated the habitat  
33 suitability model that was developed by NOAA.

34  
35 We found black corals in all areas that we surveyed, and we even  
36 found black corals in areas that were predicted to have a low  
37 likelihood. We observed some fishing debris, and we saw some  
38 bottom longlines. Mostly, though, we saw a few traps, a few  
39 crab traps, and then lots of beer cans, and the loop current was  
40 significant.

41  
42 Just some highlight images, and this is just a handful of them  
43 from Long Mound, which is the northeast site, or the more  
44 northern site of the West Florida Shelf. There's lots of  
45 lophelia and black corals and lots of interesting invertebrates  
46 and fishes.

47  
48 North Reed, we did five dives. This area was a site proposed by

1 John Reed, and it had the fewest number of dives, and we just  
2 found an extensive coral wall and golden crabs. We did see some  
3 longlines, in the bottom-right corner, and you can see one of  
4 the lines, and you can see a crab trap, in the bottom-left  
5 corner, but, for the most part, this had abundant corals and  
6 black corals.

7  
8 Many Mounds, we saw, again, lots of corals and fishes. This  
9 pink or orange lophelia in the top left-hand side, that's the  
10 second documented case of orange lophelia in the Western  
11 Atlantic. It's apparently very common in the Eastern Atlantic,  
12 but very rare in the Western, and so everybody was very excited  
13 about that.

14  
15 Then Okeanos Ridge, we saw large octocorals and large black  
16 corals and a few mounds of lophelia. We didn't go to the areas  
17 that we knew that there were large coral mounds. We tried to go  
18 to new areas in all of these, and we found new information.

19  
20 Then, because the current was ripping and the weather was not in  
21 our favor for one of the days of the cruise, we went far north,  
22 to what they were calling the North Wall, and, no we were not  
23 watching a lot of Game of Thrones on this cruise, but, anyway,  
24 this is what we found. There's not really dense coral  
25 aggregations. There is lots of these, and I can't really point  
26 to it and have everybody see, but, in the bottom-left corner,  
27 that's actually a black coral called Bathypathes.

28  
29 We saw lots of those, but not any huge aggregations of lophelia  
30 or black coral, although we did see some black corals, and not  
31 the Leiopathes, which are the ones that are known to be hundreds  
32 of thousands of years old. What that told me is we have the  
33 boxes in the right places, and so all of these photos are  
34 courtesy of NOAA, and more information can be found on their  
35 website.

36  
37 A cruise report should be available by early 2018. Dan Wagner,  
38 who was one of the chief scientists on this cruise, will be  
39 presenting more detailed information to the SSC in January, and  
40 apparently there is going to be a small documentary about this  
41 expedition. I am not sure when and where that will be  
42 available, but, if you're interested, I will find out.

43  
44 **CHAIRMAN DIAZ:** Any questions for Dr. Kilgour? Dr. Frazer.

45  
46 **DR. TOM FRAZER:** Thanks, Morgan, for that presentation. I was  
47 just curious. When you were trying to hold on station, did you  
48 anchor?



1  
2 **DR. KILGOUR:** No, we did not. We didn't anchor at all during  
3 this cruise, and, with the exception of one day, where we had to  
4 do a personnel transfer, we were able to dive every day, and so,  
5 the first couple of days, we didn't have a manipulator arm,  
6 which is what we used to collect things, but they flew one in  
7 from Scotland and got it out to the boat in the middle of the  
8 Gulf of Mexico and put it on, and we were diving later that  
9 afternoon, but, no, we didn't anchor the entire time that we  
10 were out.

11  
12 **CHAIRMAN DIAZ:** Seeing no other questions for Dr. Kilgour, we're  
13 going to move on to the next agenda item, Review of Public  
14 Hearing Draft for Coral Amendment 9. Dr. Kilgour.

15  
16 **REVIEW OF PUBLIC HEARING DRAFT FOR CORAL AMENDMENT 9**

17  
18 **DR. KILGOUR:** Thank you, Mr. Chair. As stated in the action  
19 guide, this is the public hearing draft, should the committee  
20 and the council find this appropriate to send out to public  
21 hearings. We're hoping to do that after the January SSC  
22 meeting, for reasons that will be made clear after we go through  
23 Actions 1 and 2.

24  
25 The purpose and need has not changed. I did include some  
26 information about the differences between the VMS information  
27 and the ELB information that are included in this document, to  
28 highlight the difference that the ELB data are from active  
29 fishing points, whereas the VMS data are from all VMS points and  
30 are not filtered out for active fishing.

31  
32 I also included the definition of deepwater, based on NOAA's  
33 definition, which is deepwater corals are anything below fifty  
34 meters. Mesophotic corals are anything between fifty and 150  
35 meters, and then there was one other comment that was made at  
36 the June council meeting, and that was why do we have to have  
37 specific regulations to bottom anchoring by fishing vessels, and  
38 I went through all of the other councils' CFRs, and, if there is  
39 a prohibition against bottom anchoring, it always specifies by  
40 fishing vessels, because that is all the council has  
41 jurisdiction or authority over.

42  
43 Hopefully I addressed all of the comments from the June council  
44 meeting on background information. Is there anything that  
45 anybody else would like to discuss?

46  
47 **CHAIRMAN DIAZ:** Madam Chair.  
48

1 **MS. LEANN BOSARGE:** Thanks. Of course, I have read like every  
2 page of the document, and I do like, on page 6 -- I appreciate  
3 the description that you put in there on the difference between  
4 the ELB and the VMS.

5  
6 If I could very sweetly ask that we elaborate just a little  
7 further and tell the public that the other difference is that  
8 the VMS data is essentially a census of the reef fish vessels,  
9 whereas the ELB data is survey, and it only -- You said in there  
10 that there is ELBs on approximately one-third of the vessels,  
11 but, when we show that information, we're not extrapolating it  
12 to try and show what the full fleet effort is going to look  
13 like, and so they're on the same graphs, you know, and they both  
14 have the same number of pings, but they kind of mean something  
15 different, and what is significant and what is not, from one  
16 fleet to the other, because one is not extrapolated to the  
17 entire fleet, and the other one is.

18  
19 Then, this, I am going to go ahead and get out of the way, even  
20 though it's not in the introduction and it's way back in the  
21 document, but, on page 78, where we get into our economic  
22 impacts, for the shrimp fleet, could you put all the zeroes on  
23 there for me? In other words, that chart has like the number of  
24 permits and the active vessels and things like that, and those  
25 numbers are obviously going to be in the thousands.

26  
27 Then, when it gets into the economic impacts, like gross  
28 revenues, it truncates it, and so it says \$557. It says out  
29 there that is in millions, but, if we could spell that out, I  
30 would feel really good about the shrimp fleet. I would like to  
31 have that spelled out, that we are \$557 million in gross  
32 revenues and economic impacts, as far as the fishery, because  
33 that is definitely at the top of our heap when it comes to our  
34 fisheries. Thank you, ma'am.

35  
36 **DR. KILGOUR:** Not a problem. If there are no other --

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

39  
40 **DR. FRAZER:** Thank you, Mr. Chair. Morgan, a couple of quick  
41 questions on that same page 6 that Leann referred to. On the  
42 description of the regions of the Gulf, the way that it reads,  
43 it's the fifteen recommended coral areas, and I think I would  
44 suggest a revision to that that says the fifteen priority coral  
45 areas that were recommended to have fishing regulations.

46  
47 Then one other just -- I think we've gone through this before,  
48 but I am trying to understand -- Oftentimes, in the document, we

1 use meters, and sometimes we use feet, and sometimes we use  
2 fathoms, and it's a bit all over the place, and I appreciate  
3 probably that's because of where the references come from, but  
4 do you think there is some merit, I guess, in trying to  
5 standardize that, particularly because we start off saying a  
6 deep reef is fifty meters, and maybe we could use fifty meters  
7 throughout the document.

8  
9 **DR. KILGOUR:** Thank you. I used fifty meters because that was  
10 the SSC recommendation. Our formatting guidelines say that we  
11 shouldn't use metric and we should use the English units, and so  
12 it would be feet, and so I am happy to go and make that change.  
13 I tried to, and we need to go through again and make sure,  
14 because, when we get these documents, we have several different  
15 authors, but I was trying to make everything in feet and  
16 fathoms, and, if the reference was in meters, also in meters.  
17 The fishermen had asked for information in fathoms and not in  
18 feet, and so I am happy to make those changes, and I will do  
19 that.

20  
21 **DR. FRAZER:** I appreciate that, and, again, I'm not trying to  
22 make things difficult, but I just think that sometimes  
23 consistency helps in the document, and so I have provided a -- I  
24 will share with you some handwritten comments that I think will  
25 make it easier and save time.

26  
27 **CHAIRMAN DIAZ:** Ms. Bosarge.

28  
29 **MS. BOSARGE:** Yes, and thanks for remembering the fishermen on  
30 that one, because they have asked us multiple times, and I get  
31 it. Scientists work in meters, but, when we take it out to the  
32 public, if we don't have the feet and/or fathoms next to those  
33 meters, fishermen are sitting there trying to take in the  
34 information that we're giving them and, at the same time,  
35 convert those depths to what they're used to seeing in their  
36 mind, and it's hard to take in new information and do  
37 conversions in your head.

38  
39 One other thing, one other note, that I had is on the depth that  
40 we're using, the fifty meters for deepwater coral, and we are  
41 including a lot of the mesophotic corals in our deep-sea coral  
42 document as evidence for diversity and protection, and so, in  
43 NOAA's deep-sea coral strategy, they say that, while mesophotic  
44 and deep-sea coral ecosystems may overlap in tropical and sub-  
45 tropical regions, which we are, mesophotic coral ecosystems are  
46 light dependent and are considered to be extensions of shallow-  
47 water coral reefs, and so they actually lump those mesophotic  
48 corals in the shallow-water category.

1  
2 I don't know that I necessarily have a big problem with them  
3 being in this document, but it's just that we have them in this  
4 document as a deepwater coral document, and so we may want to  
5 have some discussion about that, so there's not confusion later  
6 on.

7  
8 **CHAIRMAN DIAZ:** Dr. Kilgour.

9  
10 **DR. KILGOUR:** Right, and so, on page 4, we discuss the  
11 mesophotic corals, and they're the corals that exist in low-  
12 light to no-light conditions, and, while they, in some areas,  
13 like where we are in the Gulf, may be extensions, they also  
14 include deepwater species. It's like this weird twilight zone,  
15 where they include both deep and shallow.

16  
17 It's not necessarily one or the other, and, in the Gulf, we  
18 actually have that, where we have mesophotic coral reefs, where  
19 we have deepwater corals coming all the way up to them and going  
20 deeper, and so that's -- They are included because of the NOAA  
21 definition of deepwater corals start at fifty meters, even  
22 though the mesophotic can incorporate both shallow and deepwater  
23 species. I can make that a little bit more clear, I am  
24 interpreting, in the discussion of the background, and I am  
25 happy to do that.

26  
27 **CHAIRMAN DIAZ:** All right, Dr. Kilgour. You can proceed.

28  
29 **DR. KILGOUR:** Okay, and so, moving along to Action 1, if  
30 everybody is comfortable with that, it would be the  
31 incorporation of deepwater octocoral species into the Gulf of  
32 Mexico fishery management unit, and this was an SSC  
33 recommendation.

34  
35 We have three alternatives that are not no action alternatives.  
36 One is to incorporate anything in the NOAA deep-sea coral  
37 database into the FMU. We have two options, and I want to  
38 highlight, because I have not been doing a good job, is those  
39 species that would be incorporated into the FMU are in Table  
40 2.1.1, and so those are the species that are in the database or  
41 in this Etnoyer and Cairns 2017 document, which is an update of  
42 the species that are with the accepted taxonomy.

43  
44 Alternative 2 would include that first column, which is all the  
45 genera in that database. Alternative 3 would only include those  
46 genera that have an X by them, and so I went through the  
47 database and looked at the shallowest depth recorded, and then I  
48 went through the Etnoyer and Cairns paper and looked at the

1 shallowest, and whichever the shallower of the two, that was  
2 what we used as the shallowest depth.

3  
4 If it occurred at forty-nine meters, then it is not included in  
5 Alternative 3. If it occurred at the shallowest depth of fifty-  
6 one meters, then it is included in Alternative 3, if that makes  
7 sense, and then Alternative 4 is what is the shallowest recorded  
8 depth in those two references that those have an X next to them,  
9 and so I want to be very clear that only the genera that are in  
10 this table will be included in the FMU. This isn't anything  
11 that has a shallower depth of fifty meters or the shallowest  
12 depth of fifty meters or more. It's only what is included in  
13 this table.

14  
15 We also went through this table and anything that we know, like  
16 swiftia, and I think ellisella, and I might be saying something  
17 incorrectly, and I know swiftia, for sure, is a genera that is  
18 collected for the aquarium trade, and so that was automatically  
19 removed from Alternatives 3 and 4, and so anything that we know  
20 that was collected for the aquarium trade has been removed from  
21 Alternative 3 and 4, so that it wouldn't overlap with the  
22 species that Florida manages for the aquarium trade.

23  
24 Going back to the alternatives, Alternative 2 would, again,  
25 incorporate all of those genera into the FMU. Alternative 3  
26 would only incorporate those species that have been recorded  
27 from a depth of fifty meters or deeper in the Gulf, and Option a  
28 would apply it to the entire EEZ, and Option b would apply it to  
29 -- It would exclude octocorals in the EEZ off of Florida.

30  
31 Alternative 4 would incorporate into the FMU only those  
32 deepwater octocoral genera that have been recorded in the  
33 database from a depth of 150 meters or deeper in the Gulf, and,  
34 again, Option a would apply to the entire EEZ, and Option b  
35 would exclude octocorals in the EEZ off of Florida. Did I make  
36 that as confusing as possible, or did I clarify?

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

39  
40 **MS. MARA LEVY:** Just a question about the Alternatives 3 and 4,  
41 where you said the ones that are harvested for the aquarium  
42 trade aren't included, and is it because of the depth  
43 requirement in this two alternatives or because you just didn't  
44 include them in those alternatives to make sure that they  
45 weren't in there for purposes of the fact that Florida manages  
46 them for the aquarium trade?

47  
48 **DR. KILGOUR:** If they're harvested in Florida, then they're

1 going to be below fifty meters, and so, if they didn't show up  
2 in that database or in that table, because they only included  
3 deepwater species and not necessarily the entire genera, but  
4 only the species that are in that deepwater section, it wouldn't  
5 necessarily -- It only happened for swiftia, that I'm aware of,  
6 and it might have happened for two other genera, if I'm thinking  
7 back, but, basically, swiftia is a pretty common aquarium trade  
8 octocoral.

9  
10 It has some species that are only in deep water, and so those  
11 species that are only in deep water would show up in the deep-  
12 sea coral database, but not necessarily those species that are  
13 only in shallow water, and so, if I go based on the database, it  
14 happened three times for three genera, but it was basically to  
15 make sure that we're eliminating genera that we know have  
16 shallow-water counterparts that may not have shown up in the  
17 deep-sea coral database, if that makes sense.

18  
19 **MS. LEVY:** I think so, but I guess my question was just did you  
20 eliminate them because of that, like not wanting to include  
21 them, or because of the depth that the different alternatives  
22 have, and what I am hearing is you eliminated them because they  
23 would include shallow-water ones and they're harvested for the  
24 aquarium trade, and so we just didn't want them in the  
25 alternative, regardless of the depth at which the deepest ones  
26 can be found, meaning it wasn't because of the depth  
27 restrictions in Alternative 3 and 4.

28  
29 **DR. KILGOUR:** It is because of the depth restrictions in 3 and  
30 4, but what I'm saying is some of those species, those  
31 individual species, might not have shown up in the deep-sea  
32 coral database, and so, if they're harvested for the aquarium  
33 trade, they are occurring in shallower depths than fifty meters,  
34 and so it's a little bit of a combination of the two.

35  
36 If it's a shallow-water species and it doesn't occur in the  
37 deep-sea coral database, then it wouldn't trigger that flag of  
38 fifty meters or deeper, because it wasn't in the database. Does  
39 that make sense?

40  
41 Whereas it shares the same genera name, it doesn't share the  
42 same species name, and so swiftia is the genera, and there is a  
43 hundred species within that, and maybe two of those species are  
44 solely shallow-water species, and they wouldn't show up in the  
45 deep-sea coral database, but we know they're shallow-water  
46 species, and we know they are members of the genera swiftia, and  
47 we removed them from Alternative 3 and 4.

48

1 **CHAIRMAN DIAZ:** So we're on Action 1. If anybody has any  
2 thoughts about a preferred for Action 1, this would be a good  
3 time to throw that out for discussion. Dr. Frazer.

4  
5 **DR. FRAZER:** Thank you, Mr. Chair. At least for the time being,  
6 at least to start the discussion, my preference would really be  
7 to see Alternative 2, Option b, be the preferred, but I would  
8 like to hear a little bit from Martha and state about what  
9 impacts that might have on their ability to kind of work here.

10  
11 **CHAIRMAN DIAZ:** Ms. Guyas.

12  
13 **MS. MARTHA GUYAS:** Thank you, Mr. Chairman. If we go with any  
14 of the Alternatives 2 through 4, my preference would certainly  
15 be to choose Option b. I think it will simplify things a lot to  
16 exclude Florida here, since there already are regulations that  
17 apply in the EEZ for octocorals there.

18  
19 There are certainly some enforcement concerns, I think, if we  
20 did not choose Option b. One thing I can also note is, if we  
21 choose Option b and then we set up some of these HAPCs off of  
22 Florida in later actions, I think our commission would certainly  
23 be willing to entertain doing regulations for those HAPCs for  
24 octocorals.

25  
26 We did that on the Atlantic side when we removed octocorals from  
27 federal management on that side, and there is a large coral HAPC  
28 on the east coast of Florida, and we incorporated that into our  
29 regulations. Not that people were out there harvesting  
30 octocorals, but just to put in the effort and be conservation  
31 minded, and so don't think that just because we are excluding  
32 Florida in Action 1 that we're not necessarily going to be --  
33 That it's going to be a free-for-all out there, and so that's my  
34 thoughts. As to whether you choose 2, 3, or 4, I am certainly  
35 willing to listen to discussion.

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

38  
39 **DR. FRAZER:** Thank you again, Dale. My kind of rationale for  
40 moving forward with this too is just the difficulty in actually  
41 identifying the octocorals, and it kind of alleviates all of  
42 that potential regulatory or management nightmare, and so it  
43 just simplifies things, from my perspective.

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

46  
47 **MS. LEVY:** While nobody has made a motion specifically, I don't  
48 think yet, but, if you're going to consider adding octocorals

1 back into the FMP and the FMU, then I think there needs to be  
2 some discussion about why these species are in need of  
3 conservation and management, and the regulations have a list of  
4 factors to consider, and I haven't really heard anything or read  
5 anything in the document that expressly addresses that, because,  
6 to me, the reason shouldn't be that you want to add them so that  
7 they can be used to designate essential fish habitat.

8  
9 There has to be a reason for conservation and management. What  
10 is the purpose for bringing them in and managing them? Then,  
11 once they're in, you designate essential fish habitat, and, from  
12 what I can tell from the document, there are also other corals  
13 in these same areas that we do manage that support the HAPCs and  
14 the other things, and so I would just think about that, because  
15 we are going to have to have something in the record that  
16 supports adding them back into the plan.

17  
18 **CHAIRMAN DIAZ:** Ms. Bosarge.

19  
20 **MS. BOSARGE:** I have a question. I think it was 2011 that we --  
21 What year did we remove these from the plan? It wasn't all that  
22 long ago, and I'm just wondering what was the rationale for  
23 removing them from the unit, and what has changed since then  
24 that we need to put them back in? I guess that's what I am  
25 trying to figure out.

26  
27 **CHAIRMAN DIAZ:** Dr. Kilgour.

28  
29 **DR. KILGOUR:** You are correct that they were removed from the  
30 FMU in the Generic ACL and Accountability Measures Amendment.  
31 The goal of that was to reduce redundancy in management, since  
32 Florida was already managing octocorals for the aquarium trade,  
33 and so this was, again, a recommendation from the SSC.

34  
35 A lot of these species weren't really known about back in 2011,  
36 and their importance as ecosystem or habitat builders back then  
37 also wasn't. I mean, the information about octocorals and the  
38 deep sea in general has risen exponentially. Instead of 0.1  
39 percent of the deep sea, we have explored 0.3 percent of the  
40 deep sea.

41  
42 I think the rationale was that Florida was already managing  
43 octocorals off the State of Florida, and there wasn't really a  
44 lot of information about octocorals, which is why they were  
45 removed from the FMU. Now, whether to bring them back in or  
46 not, that's a council decision. This, again, was an SSC  
47 recommendation, and so that's why it's in here.



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

2  
3 **MS. GUYAS:** To expand on that a little bit, this was in that  
4 generic amendment. This was when, I guess, some of the changes  
5 that occurred in the last reauthorization of Magnuson were  
6 trickling down to the councils and the councils were having to  
7 set ACLs for things

8  
9 I think one of the big challenges for this fishery was setting  
10 an ACL and an ABC. We had landings, of course, for Florida,  
11 but, other than that information, that was pretty much it. It  
12 seemed like this was a suite of species that just didn't fit in  
13 that requirement very well, in my opinion, and, when the  
14 councils were considering keeping them in the management, the  
15 only way that they could figure out an ACL was to look at  
16 landings, and that potentially meant some cuts to the fishery,  
17 and there just wasn't any reason really that we could justify  
18 that.

19  
20 I think, on the South Atlantic side, what they did, instead of  
21 removing octocorals wholesale from their plan, I think they just  
22 removed off of Florida, and so, north of there, in the Carolinas  
23 and Georgia, they are still federally managed, and is that  
24 right? Morgan is nodding her head yes, and so that's kind of  
25 what happened.

26  
27 **CHAIRMAN DIAZ:** Dr. Frazer.

28  
29 **DR. FRAZER:** Thank you again, Dale. Just from a rationale for  
30 why you might include them, they provide really important  
31 structural habitat in an often otherwise kind of feature-less  
32 environment, and that structure harbors a significant amount of  
33 biodiversity and provides other ecological functions and  
34 services, and so, as we learn more about that, I think we  
35 realize their significance in the ecosystem.

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

38  
39 **MS. BOSARGE:** Dr. Frazer, you and I, we know we're going to be  
40 on opposite sides of this, but I've got to go ahead and lay it  
41 out there, but you're a sweetheart to still speak to me, after  
42 it's all said and done.

43  
44 I guess my concern is -- So there is a lot of things out there  
45 in the Gulf that are important to the ecosystem, but we don't  
46 necessarily actively manage every single species in the Gulf,  
47 because we don't see that there's a need, right? When we see  
48 there's a need, that something is in danger of being overfished

1 or we have some evidence that we have an issue, then we'll go  
2 out there and manage it.

3  
4 I guess that's what worries me about this, is that I understand  
5 they're important, and they're a little different than other  
6 corals though, in that they're not reef building, right? If we  
7 incorporate them back into our fishery management unit, we're  
8 going to have to go back to our SSC and say, okay, we need you  
9 to set an overfishing limit and an ABC for this stock.

10  
11 Well, obviously, we don't have a stock assessment on these  
12 corals, and so coming up with these management benchmarks is  
13 going to be pretty difficult. Now, if we had evidence that  
14 these things were being harvested outside of Florida state  
15 waters and the EEZ off of Florida, where they're being managed  
16 by the state, I could see the rationale there for putting them  
17 back in and saying, okay, we need to be very clear that there is  
18 going to be zero harvest of this and such, but we don't have  
19 that evidence, and so I'm just trying to wrap my mind around why  
20 we would put this on our management plate and the SSC's  
21 management plate and come up with those benchmarks if we don't  
22 see where there is really a threat at this point.

23  
24 **CHAIRMAN DIAZ:** I will note that, in the document, it says that  
25 the targets that we have for this has never been hit, 70,000  
26 octocoral colonies. If I read the document right, the highest  
27 harvest that's recorded in the document is a little over 9,000  
28 octocoral colonies for a year. Ms. Bosarge.

29  
30 **MS. BOSARGE:** In the spirit of compromise, and maybe this is a  
31 question for Mara, because I think really -- If I had to guess  
32 it, and I'm putting words in his mouth, but Dr. Frazer's concern  
33 is he would really like to see, somewhere in the regulations,  
34 that there is zero harvest on octocorals outside of Florida and  
35 their management, to make sure that we don't have an industry  
36 that pops up, maybe, off of another state. Is there any way to  
37 do that without putting this back into our fishery management  
38 unit?

39  
40 **MS. LEVY:** Well, I guess we could talk about that. I mean, the  
41 regulations do provide for designation of ecosystem component  
42 species, and so species that have an important ecosystem  
43 component, but that you've determined are not in need of  
44 conservation and management.

45  
46 Whether we could designate them that and then prohibit harvest,  
47 I think we would have to look at that. I mean, you could  
48 definitely designate them, and then we would have to explore

1 what types of management measures, for lack of a better term,  
2 you could put on them, but I guess my question is, from the  
3 information that I have read in the document, or at least in the  
4 discussion, is it doesn't seem like anybody is harvesting these  
5 species off any other state other than Florida or these deep-sea  
6 areas either, and so I guess, when I read it and when I hear the  
7 discussion, that's what raises the question in my mind about the  
8 conservation and management issue that you're trying to address,  
9 but we could explore the ecosystem component species designation  
10 in more detail if you wanted to do that.

11

12 **CHAIRMAN DIAZ:** Dr. Frazer.

13

14 **DR. FRAZER:** Just briefly to Leann's point, I just want to make  
15 sure that we are on the same page. I am actually not opposed to  
16 anybody harvesting octocorals even outside of Florida. I am all  
17 for the sustainable use of any resource.

18

19 What I really care about, in this particular case, is  
20 recognizing that these organisms actually do provide a very  
21 important ecological function, because of their structure, and  
22 that they harbor a significant amount of biodiversity that we  
23 probably haven't completely described and may provide other kind  
24 of support services for other harvested organisms down the road.

25

26 I am not even really trying to push a ton of regulations in  
27 these areas. I think, by identifying them simply as HAPCs, that  
28 draws attention to their recognized potential ecological  
29 significance, and, if there are activities down the road that  
30 might negatively impact them, then we're in a much better  
31 position to try to preempt that, and so, again, as we move  
32 through this document, I think what you will see is I'm not  
33 trying to keep people from fishing in these areas if we can do  
34 it responsibly.

35

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

37

38 **MS. LEVY:** I will just add that -- I mean, in order to consider  
39 them for designation of essential fish habitat or habitat areas  
40 of particular concern, which are a subset of that, they would  
41 need to be a managed species, meaning I don't think we can put  
42 them in as ecosystem component species and then somehow  
43 designate essential fish habitat for them, but I guess, again,  
44 my question is does this -- Is this adding them back in under  
45 Action 1, if it doesn't happen, does that change any of the  
46 other potential HAPC designations that flow from the other  
47 actions?

48

1 I got the sense that the answer was no, because there are other  
2 managed species in those areas that support the designation, and  
3 so, again, that's where I am coming from, is this adding them in  
4 to support the HAPC designation, to me, is not a conservation  
5 and management purpose for adding them in, meaning it doesn't  
6 support saying they need conservation and management, and it  
7 doesn't even seem necessary to designate the areas that you're  
8 thinking about designating, and so I would just think about  
9 those things.

10  
11 **CHAIRMAN DIAZ:** Okay. We've had a little bit of discussion on  
12 Action 1, but we do not have a motion on the board. Does  
13 anybody have a desire to make one of these a preferred? If not,  
14 we will move on to Action 2. Dr. Kilgour and then Dr. Frazer.

15  
16 **DR. KILGOUR:** So, I've heard a couple of different reasons for  
17 both including them in the FMU and not in this discussion, but,  
18 as staff, I need a little bit more guidance, particularly on  
19 Action 1, because what the council chooses to do in Action 1  
20 directly affects what we have to do in Action 2.

21  
22 I would really like to not leave this action until there is a  
23 preferred alternative, because, depending on what the committee  
24 and council chooses as the preferred alternative, it will  
25 directly affect what we have to do in Action 2.

26  
27 **CHAIRMAN DIAZ:** Dr. Frazer.

28  
29 **DR. FRAZER:** With those comments then, I will make a motion to  
30 make Alternative 2, Option b, the preferred.

31  
32 **CHAIRMAN DIAZ:** We have a motion. Is there a second? It's  
33 seconded by Dr. Stunz. Is there further discussion on the  
34 motion? Dr. Mickle.

35  
36 **DR. PAUL MICKLE:** Thank you. I will chime in a little bit. I  
37 am not particularly real comfortable with Alternative 2, 3, or  
38 4, but I do want to stimulate information and feedback from the  
39 public on these issues, and so I'm torn about it. It seems  
40 like, the more I went back and looked at Leann's question of  
41 what happened in 2011 when they removed it and then they were  
42 put back in, it sounds like the SSC just said that they were  
43 important and they should be back in.

44  
45 When I start getting my checklist of are there Gulf-wide  
46 landings, and no. Ecological importance literature within this  
47 document is substantially leaning towards no, and so I know that  
48 these octocorals are -- They're fast growers, and they establish

1 themselves quickly, and there is literature out there on that,  
2 and I will give you that, Dr. Frazer. In some deeper reefs and  
3 some reefs that do have negative impacts on other species, the  
4 quickly-establishing corals are vastly important. As far as the  
5 other science behind it, either I need to be shown it or I can't  
6 find it, and so I am very uncomfortable with Action 1. Thank  
7 you.

8

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

10

11 **MS. GUYAS:** If the council wants to reincorporate octocorals  
12 back into the FMU, I would think that this alternative would  
13 probably be the easiest one to enforce, just because you're not  
14 necessarily having to figure out what species you've got if an  
15 enforcement officer happens to encounter a situation where  
16 somebody has one, but I can certainly hear some of the comments  
17 around the table that maybe this isn't necessary.

18

19 I am intrigued by the idea of making octocorals an ecosystem  
20 component species, again outside of Florida, because I don't  
21 think we could continue to manage them for harvest and have them  
22 be ecosystem component off of Florida. If folks are interested  
23 in that, I wouldn't have a problem with looking at that route  
24 either, and so that's just my thoughts on this.

25

26 **CHAIRMAN DIAZ:** Is there further discussion? **Seeing none, all**  
27 **those in favor of the motion, signify by raising your hand; all**  
28 **those opposed, same sign.** Morgan is giving me the eye over  
29 here. Somebody better protect me after this meeting. Mr.  
30 Greene.

31

32 **MR. JOHNNY GREENE:** The conversation that was Ms. Guyas was  
33 having about ecosystem component and then how the State of  
34 Florida fit in with that, I didn't really follow that. Can  
35 somebody expand on that a little bit, because it seems like  
36 that's where I was really hung on this.

37

38 **MS. LEVY:** Designating them as ecosystem component species, they  
39 wouldn't be a managed, quote, unquote, managed species in the  
40 FMP, and so I'm not sure that Florida or not Florida even  
41 matters in that context, meaning the council is just designating  
42 them as an important ecosystem species and then looking at what  
43 kind of protections, if any, are warranted for that designation,  
44 and we would have to explore further what the bounds of that  
45 might be, but I don't think it's the same as saying you're going  
46 to manage them, but you're not going to manage them off of  
47 Florida, because basically the decision has been that they're  
48 not in need of, quote, conservation and management and so you're

1 not adding them to the FMP in that context.

2

3 **CHAIRMAN DIAZ:** Dr. Kilgour.

4

5 **DR. KILGOUR:** I apologize for giving you the eye. It wasn't  
6 intentional, but I am still going to implore the committee to  
7 please come up with a preferred alternative, again, because what  
8 you choose for this action directly impacts the next action, and  
9 so, if there is no preferred alternative, then we don't have  
10 information to provide to the public or to the SSC on which way  
11 the council is leaning for whether or not to include octocorals  
12 into the FMU.

13

14 **CHAIRMAN DIAZ:** Mr. Matens.

15

16 **MR. CAMP MATENS:** Thank you, Mr. Diaz. So much of this I defer  
17 to the experts, like Dr. Frazer. This whole issue of these  
18 deepwater corals has bothered me from the beginning, not just  
19 the issue that's on the table today, but the issue of allowing  
20 my commercial fishing friends to fish these areas. Some of  
21 these areas are shallower or within sport diving depths, and at  
22 least one is a pretty popular red snapper fishing destination.

23

24 Do I understand correctly -- I would really like some  
25 clarification here that we're not the end result of this  
26 discussion and that there's another organization that can  
27 override whatever this group discusses? Is that correct? Isn't  
28 there a coral group that is working on this? When we make  
29 decisions based on this, is that going to be the decision, or  
30 will that decision be challenged by another organization?

31

32 **CHAIRMAN DIAZ:** Dr. Kilgour.

33

34 **DR. KILGOUR:** No, unless it's the sanctuary, but none of the  
35 areas that are in this document have been proposed as areas for  
36 sanctuary expansion publicly. Now, there has been some  
37 mutterings about Pulley Ridge for the Florida Keys, but, again,  
38 they don't have a document, and they have not submitted anything  
39 publicly, and those have all just been discussions and nothing  
40 publicly, but I do have a question about your comments on these  
41 areas being within diver depths.

42

43 **MR. MATENS:** Like Sonnier Bank.

44

45 **DR. KILGOUR:** That's not in this document.

46

47 **MR. MATENS:** It's shown in this chart, but, be that as it may,  
48 what I would be interested in is -- **Let me make a motion, and I**

1 really would like to hear discussion about it, that the  
2 preferred alternative be Alternative 1, no action.

3  
4 **CHAIRMAN DIAZ:** All right. We have a motion. Is there a  
5 second? It's seconded by Mr. Sanchez for discussion. Ms. Levy.

6  
7 **MS. LEVY:** Would it help to look at the factors, the list of  
8 non-inclusive factors, that are in the regulations about what  
9 NMFS has said the council should at least consider in deciding  
10 whether something is in need of conservation and management?  
11 Would that be helpful to go over those?

12  
13 **CHAIRMAN DIAZ:** Yes.

14  
15 **MS. LEVY:** Okay. In 50 CFR 600.35, there is a section that  
16 discusses evaluating when something is needing conservation and  
17 management, and it says it's a non-exclusive list of factors  
18 that the council should consider, and so obviously there are  
19 other things that you could discuss and come up with that aren't  
20 included here, but these are the things suggested by the agency  
21 that you consider.

22  
23 One is that the stock is an important component of the marine  
24 environment. Two, the stock is caught by the fishery. Three is  
25 whether an FMP can improve or maintain the condition of the  
26 stock, and four is the stock is a target of the fishery. Five  
27 is the stock is important to commercial, recreational, or  
28 subsistence users. Six is the fishery is important to the  
29 nation or to the regional economy, and seven is the need to  
30 resolve competing interests and conflicts among user groups and  
31 whether an FMP can further that resolution.

32  
33 Eight is the economic condition of a fishery and whether an FMP  
34 can produce a more efficient utilization, and nine is the needs  
35 of a developing fishery and whether an FMP can foster orderly  
36 growth, and ten is the extent to which the fishery is already  
37 adequately managed by states, by state and federal programs, or  
38 by federal regulations pursuant to other FMPs or international  
39 commissions or by industry self-regulation, consistent with the  
40 requirements of the Magnuson-Stevens Act and other applicable  
41 law.

42  
43 There is a paragraph that talks about when to consider adding a  
44 stock to an FMP, and it says no single factor is dispositive or  
45 required. One or more of the above factors and any additional  
46 considerations that may be relevant to the particular stock may  
47 provide the basis for determining that a stock requires  
48 conservation and management.

1  
2 Based on the factor in Paragraph C(1)(3), which is whether an  
3 FMP can improve or maintain the condition of the stock, of the  
4 section, is the amount and/or type of catch that occurs in  
5 federal waters is a significant contributing factor to the stock  
6 status, such information would weigh heavily in favor of adding  
7 a stock to the FMP.

8  
9 However, the council should also consider the factor in  
10 Paragraph C(1)(10, which was the extent to which its adequately  
11 managed by states or state and federal partnerships, before  
12 deciding to include the stock in the FMP. In many  
13 circumstances, adequate management of fisheries by state and  
14 federal programs or another federal FMP would weigh heavily  
15 against a federal FMP action.

16  
17 It also says that, in evaluating the factors, a council should  
18 consider the specific circumstances of a fishery, based on the  
19 best scientific information available, to determine whether  
20 there are biological, economic, social and/or operational  
21 concerns that can and should be addressed by federal management.  
22 I know that was a lot, and so, if you have any questions, but  
23 there is some guidance there about things to consider when  
24 trying to decide this question.

25  
26 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. We have a motion on the  
27 board to, in Action 1, make Alternative 1 the preferred, and  
28 it's been seconded. Is there any further discussion? I would  
29 like to point out that, if we do go forward with this motion,  
30 the State of Florida can keep operating exactly like they're  
31 operating now, and they will not be impacted. **Seeing no further**  
32 **discussion, all those in favor raise your hand; all those**  
33 **opposed like sign.**

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Two. **The motion passes five to**  
36 **two.**

37  
38 **CHAIRMAN DIAZ:** Dr. Kilgour, whenever you're ready, proceed.

39  
40 **DR. KILGOUR:** Thank you, Mr. Chair. Action 2 would be in the  
41 event that the council chose 2, 3, or 4 for Action 1, and so I  
42 will briefly go through Action 2, but I think, and I probably  
43 will need a motion, but I'm pretty sure, by default, the  
44 preferred is Alternative 1. If you don't incorporate octocorals  
45 into the FMU, there is no need to establish management  
46 benchmarks.

47  
48 I just want to kind of walk the council through the rationale



1 for the three different alternatives. Again, Alternative 1 is  
2 no action. Alternative 2, should you change your preferred  
3 alternative, would be -- The council would be deciding on a  
4 methodology.

5  
6 Alternative 1 would be do not allow harvest of octocorals in the  
7 FMU, whatever that was established in Action 1, in the EEZ. The  
8 ACL would equal to zero, and the maximum sustainable yield would  
9 be equal to zero. If you have an ACL and an MSY equal to zero,  
10 then there is no need to establish an MFMT or an MSST.

11  
12 Alternative 3 would be to allow some harvest of octocorals in  
13 the FMU. The council would need to choose one sub-option from  
14 each option, and so, in this, we're trying to incorporate all of  
15 the management benchmarks that the council would need to  
16 address. One would be to establish an MSY, and the council  
17 could choose to set it equal to the OFL or have the MSY as the  
18 OFL reduced for some uncertainty, based upon the SSC  
19 recommendations.

20  
21 Option b would be to establish the overfishing threshold, and so  
22 the MFMT would be the harvest rate that results in the annual  
23 yield, or we could do a proxy, which would set the overfishing  
24 would be if the OFL is exceeded. Option c would be establish  
25 the MSST. Again, this would require a stock assessment, and  
26 it's something we really struggled with. There is no stock  
27 assessment for octocorals, nor is there likely to be in the near  
28 future, and so how do we establish an MSST?

29  
30 We would need to come up with some BMSY proxy, and then Option d  
31 would be to establish an ACL, and we developed these based on  
32 the Tier 3a of the ABC control rule and other amendments and  
33 FMPs where the ACL is the ABC or it's the ABC reduced for some  
34 uncertainty, as recommended by the SSC.

35  
36 Again, I hopefully will get a motion from the committee on the  
37 preferred alternative, but, if there is no incorporation of the  
38 octocorals in the FMU, then there is no need to make any  
39 management benchmarks.

40  
41 **CHAIRMAN DIAZ:** Mr. Matens.

42  
43 **MR. MATENS:** Dr. Kilgour, do you need an amendment to make -- Do  
44 you need a motion to establish Alternative 1 here, just to clean  
45 things up? **Accordingly, I make a motion that the preferred**  
46 **alternative would be Alternative 1, no action.**

47  
48 **CHAIRMAN DIAZ:** We have a motion. Is there a second? It's

1 seconded by Mr. Sanchez. Any discussion on the motion? **Any**  
2 **opposition to the motion? The motion carries.** Dr. Kilgour.

3  
4 **DR. KILGOUR:** Okay. Next is Action 3, which would be evaluating  
5 the existing Pulley Ridge HAPC, and so on page 27 is a diagram  
6 of the existing HAPCs. The large rectangular box with the  
7 dashed lines is the existing Pulley Ridge HAPC, but there are no  
8 regulations affiliated with that huge rectangle.

9  
10 The small pie-shaped box in the bottom corner, the bubble part,  
11 that pie-shaped part, is the existing Pulley Ridge HAPC, which  
12 we have labeled as Pulley Ridge South, so that we're clear that  
13 it's the southern portion of that huge rectangle. That section  
14 already has regulations of no bottom-tending gear.

15  
16 Some new information came to the SSC's attention about the area  
17 that we've labeled as Pulley Ridge South Portion A, which is  
18 that lined portion, and it's also that there are extensive plate  
19 coral reefs in that area, and so it was recommended that the  
20 Pulley Ridge HAPC, or Pulley Ridge South, be expanded to include  
21 that area for regulations.

22  
23 There are four alternatives. The first alternative is to do  
24 nothing and leave the Pulley Ridge HAPC as it is. The second  
25 alternative is to expand regulations to that huge box, and this  
26 was a reasonable alternative, because we already have that, but  
27 it was also not the recommended alternative.

28  
29 Alternative 3 would be to expand that Pulley Ridge South, that  
30 pie-shaped thing, to the entire area that's outlined in red, to  
31 have bottom-tending gear regulations, and so that includes no  
32 fishing with bottom longline, bottom trawl, buoy gear, pot or  
33 trap, or bottom anchoring by fishing vessels, and it would be  
34 prohibited year-round, and those would be the coordinates of the  
35 new HAPC.

36  
37 I want to note that that buoy gear is not including HMS buoy  
38 gear. There should be a note at the bottom that HMS buoy gear  
39 does not contact the bottom. This is just bottom-tending buoy  
40 gear.

41  
42 Alternative 4 would be to establish a new portion of Pulley  
43 Ridge South and to have that expanded area, but to allow bottom  
44 longlining, and so the only bottom-tending gear regulations  
45 would be prohibiting bottom trawl, the buoy gear, pot or trap,  
46 and bottom anchoring by fishing vessels.

47  
48 The rationale for including this will be included if we scroll

1 down to the first map, and I believe it's Figure 2.3.3, and it's  
2 the one that will give you a headache to look at. This is the  
3 VMS data overlaid on the figure on the very first page, and you  
4 can see that there is significant VMS -- There are a significant  
5 number of pings at the bottom southeast corner, and, basically,  
6 all along that southern border of VMS pings, and it's also been  
7 brought to the council's attention that bottom longliners use  
8 this area, especially when the thirty-five-fathom closure goes  
9 into effect.

10  
11 Alternative 4 was an effort to basically freeze the footprint  
12 and allow existing fisheries to continue to fish there, but  
13 prohibit any additional bottom-tending gear fisheries, and so,  
14 with that, I will be happy to answer any questions, but it's up  
15 for committee discussion.

16  
17 **CHAIRMAN DIAZ:** Ms. Levy.

18  
19 **MS. LEVY:** Just to make sure I'm clear, so, for that Alternative  
20 4 that's including the bottom longline, that would mean that  
21 there is -- You could longline in that new section, but the old  
22 section that's already established, where we said that we had  
23 the no bottom-tending gear, there would still be no bottom  
24 longline in that other current section.

25  
26 **DR. KILGOUR:** Yes, that's correct. Thank you for the  
27 clarification. It would just be expanding regulations to this  
28 expanded portion without including bottom longlines, but bottom  
29 longlining would still be prohibited in the existing HAPC with  
30 regulations.

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

33  
34 **MS. GUYAS:** I know there is bottom longline activity in this  
35 South Portion A, but there was no shrimping or very little  
36 shrimping? No shrimping? Okay. I mean, I certainly wouldn't  
37 want to cut off a historical fishery that's working in this  
38 area, and I know it's seasonal, and they're kind of forced here  
39 by the other bottom longline regulations that we have for the  
40 eastern Gulf.

41  
42 **CHAIRMAN DIAZ:** Dr. Kilgour, I think -- Ms. Bosarge.

43  
44 **MS. BOSARGE:** Mine was more of a kind of a bigger-picture  
45 question, and it might be for Dr. Frazer, or maybe for you, Dr.  
46 Kilgour. When I was reading -- I am trying to understand what  
47 is happening with our corals.

48

1 When I read the discussion on this section, so there is the main  
2 ridge of Pulley Ridge, and then there is this central basin  
3 area, which is kind of like the secondary part of Pulley Ridge.

4  
5 In the discussion, it says that there has been dramatic decline  
6 in the percent of living coral from 2003 to 2015 on the main  
7 ridge, that part that was initially protected, and that the  
8 central basin had a higher percent coral cover than the main  
9 ridge, and it says that the reason for the decline in the main  
10 ridge coral is unknown, but is it -- Is it possible that maybe,  
11 with some of this climate change and some temperature changes  
12 that are happening in our waters, that what we may actually see  
13 is a -- Because coral requires a very specific temperature range  
14 and pH range, if I did my homework right.

15  
16 This coral is actually shifting slowly, and, in other words,  
17 you're seeing more coral, or denser coral croppings, in areas  
18 where the temperature and pH is now right, and you're seeing  
19 some die-off in the denser sections that we originally  
20 protected, because of those changes, and is that possibly what  
21 we're seeing here, a little bit of a movement?

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

24  
25 **DR. FRAZER:** Those are really good questions, and I'm going to  
26 just step back for a minute and talk about some of these things,  
27 because I think it is important. Coral reefs are -- As I said  
28 before, they are a very important structural habitat all around  
29 the world, and we all know that. From a fishing perspective,  
30 they provide that habitat that supports fish.

31  
32 They are subject to all kinds of stresses that are human-induced  
33 ones on a local scale, and whether those are physical damage due  
34 to anchoring or what have you, sedimentation because of  
35 development along the coast or something like that,  
36 nutrification, an increase in nutrient delivery, or an increase  
37 in algal growth, all of those things, and we should try to  
38 minimize those impacts, in order to keep those habitats  
39 functioning healthy, but those other things that you're alluding  
40 to, changes in temperature, that are climate induced, those are  
41 broad-scale changes that are hard to manage on a local level.

42  
43 More and more corals, particularly shallow-water corals, and I  
44 will note that these corals in the Pulley Ridge system were  
45 actually shallow coral, and so it's not simply a deep coral  
46 document, I think, that we're working with here.

47  
48 I think those shallow-water corals can be subject to increased

1 temperatures, and they will show signs of stress, and whereas  
2 those in other areas that are fairly close may have somewhat of  
3 a refuge, even if it's only a degree or something of that  
4 nature, and so it's possible to see impacts, kind of in a  
5 localized area, that could just be spatial heterogeneity, I  
6 guess, due to these changes that you're talking about.

7  
8 **I also want to say, if we're going to keep this discussion**  
9 **moving along, to show that it's not just about saving corals for**  
10 **me and that it's about understanding the science here and making**  
11 **sure that we get it right, I am going to make a motion that**  
12 **Alternative 4 is actually the preferred here, because I do think**  
13 **that there is no real compelling scientific information that**  
14 **suggests that the longliners have physically impacted this area,**  
15 **and, until we have that information, I think that would be**  
16 **probably the wrong thing to do, and so that's my motion.**

17  
18 **CHAIRMAN DIAZ:** We have a motion by Dr. Frazer to make  
19 Alternative 4 the preferred alternative. Do we have a second?  
20 Second by Ms. Guyas. Is there discussion? Ms. Guyas.

21  
22 **MS. GUYAS:** I am comfortable with this, I think, because it does  
23 exclude the bottom longline, and I think that was our main  
24 concern here, and I would like to see what the public thinks  
25 about this one, if people can live with this.

26  
27 **CHAIRMAN DIAZ:** Dr. Frazer.

28  
29 **DR. FRAZER:** I just wanted to say one other thing, because I  
30 keep thinking about this, obviously, because it's something that  
31 I care a lot about, but, when we think about coral reefs and  
32 fishing activities, we typically think about anchoring and  
33 longlining and the physical destruction that takes place,  
34 potentially, but there is other things that happen as a  
35 consequence of those fishing activities as well.

36  
37 By changing the assemblage structure, you can change the ecology  
38 of those systems as well. One of the things that has always  
39 intrigued me about this Pulley Ridge area, South A, is that  
40 there is a lot of algae there, relative to the other ones, and  
41 the longliners will tell you that, and I don't understand the  
42 ecological reason for that at this point and whether or not the  
43 fishery assemblages in those two areas, even though they're  
44 adjacent, are radically different or different enough that they  
45 have affected the way that the algae actually grow there.

46  
47 Then the issue there is, over the longer term, there is a  
48 potential competition between the algae and the corals for

1 space, and it may not take place in one year or two years. It  
2 may be a decadal type of thing, but you completely lose that  
3 habitat.

4

5 **CHAIRMAN DIAZ:** Andy.

6

7 **MR. ANDY STRELCHECK:** Dale, I'm not on the committee, but I just  
8 wanted to, I guess, add that I don't have a specific opinion on  
9 the preferred alternative at this point, but I would be  
10 interested in hearing from the Coast Guard or NOAA Law  
11 Enforcement, just simply from an enforcement standpoint and not  
12 the biological standpoint of having the different regulations,  
13 and also, not having looked at this amendment very carefully up  
14 until this meeting, I'm struck by, I guess, the configuration  
15 shape of the HAPCs and whether or not that presents any sort of  
16 enforcement problems relative to the Coast Guard or NOAA Law  
17 Enforcement.

18

19 **CHAIRMAN DIAZ:** Dr. Kilgour.

20

21 **DR. KILGOUR:** Just so that the committee and the council are  
22 aware, this is slated to be on the LEC/LETC agenda, and so it  
23 will be at their next meeting in two weeks.

24

25 **CHAIRMAN DIAZ:** Mr. Sanchez.

26

27 **MR. JOHN SANCHEZ:** I think I'm going to follow the course that  
28 we've taken earlier on the other actions and maybe not be in  
29 support of this Alternative 4 as the preferred and just wait to  
30 hear from the public more, with maybe a no action type position,  
31 from me anyway.

32

33 **CHAIRMAN DIAZ:** Is that in the form of a motion, or is that --

34

35 **MR. SANCHEZ:** Rather than offer a substitute, I will just see  
36 how this goes. Then, depending on how it goes, then I would  
37 make a motion.

38

39 **CHAIRMAN DIAZ:** All right. I am not seeing any further  
40 discussion, and so we have a motion right now to make  
41 Alternative 4 the preferred, and it's been seconded. Let's do a  
42 show of hands on this. **All those in favor of the motion on the**  
43 **board, raise your hand.**

44

45 **EXECUTIVE DIRECTOR GREGORY:** Seven.

46

47 **CHAIRMAN DIAZ:** All those opposed, like sign.

48

1 **EXECUTIVE DIRECTOR GREGORY:** Two. **The motion passes.**

2  
3 **CHAIRMAN DIAZ:** Dr. Kilgour, whenever you're ready, proceed.

4  
5 **DR. KILGOUR:** Okay, and so Action 4 is new areas for HAPC status  
6 in the southeastern Gulf of Mexico. Again, these are the areas  
7 that I just presented on for the Southeast Deep-Sea Coral  
8 Research Initiative. You can choose more than one preferred  
9 alternative.

10  
11 Alternative 1 would be no action, do not establish any HAPCs in  
12 the southeastern Gulf. Alternative 2 would be establish a new  
13 HAPC named Long Mound, and it would be bound by the following  
14 coordinates, and there are two options. One is do not establish  
15 fishing regulations with this HAPC or prohibit bottom-tending  
16 gear, and it's defined by bottom longline, bottom trawl, buoy  
17 gear, dredge, pot or trap, and bottom anchoring by fishing  
18 vessels. Again, that buoy gear excludes the HMS buoy gear.

19  
20 I want to highlight, before we get too much further into this,  
21 based on the committee and the council's recommendations at the  
22 June council meeting, I went back and looked at each of the  
23 areas with the ELB data and the VMS data, and so, if you look  
24 into the figures later on in the discussion, you will see the  
25 psychedelic colors that will indicate whether or not there is  
26 VMS or ELB activity.

27  
28 If there was significant VMS or ELB activity, there should be  
29 another option that would exempt that existing type of gear to,  
30 again, freeze the footprint, but allow historical fisheries to  
31 continue fishing, and so I just want to put that out there. We  
32 did that analysis when we were adding the options underneath  
33 each alternative.

34  
35 Alternative 3 would establish a new HAPC named Many Mounds bound  
36 by the following coordinates, and there would be Option a to,  
37 again, not establish fishing regulations and Option b, which  
38 would prohibit bottom-tending gear.

39  
40 Alternative 4 would establish a new HAPC named North Reed.  
41 Option a is do not establish fishing regulations, and Option b  
42 is prohibit bottom-tending gear in the North Reed HAPC. Again,  
43 these are in fathoms for minimum depths, 164 fathoms, 109  
44 fathoms, or 164 fathoms for Long Mound, Many Mounds, and North  
45 Reed. The fishing activity from VMS and ELB is on Figure 2.4.1.

46  
47 The ELB data are in 0.65-nautical-mile grids, and the VMS are in  
48 2.5-nautical-mile grids, so that you can see the difference. If

1 I had them the same size, then they would overlap, and you  
2 couldn't see. I spoke with fishermen about that northeast  
3 corner of Many Mounds, and after they plotted it -- At least the  
4 fishermen that have been coming to meetings plotted it into  
5 their charts, and they didn't find that corner to be an issue,  
6 and, when I looked at the individual points and not just these  
7 grids, it was pretty apparent that there were a couple of spots  
8 in that northeast corner, but most of them were on the outside  
9 of the corner, which is why there isn't an exemption for that  
10 area. Again, the committee is welcome to ask me any questions.

11  
12 **CHAIRMAN DIAZ:** I think I have a question for you, Dr. Kilgour.  
13 You're talking about the North Reed site where you said they  
14 were slightly outside the boundary. What about on the chart  
15 where it shows Many Mounds? It looks like there is between  
16 eleven and fifty hits from the VMS in the southeast corner and  
17 in the northern section.

18  
19 **DR. KILGOUR:** Right, and so anything that was purple or dark  
20 blue, depending on the number -- When I look at the actual  
21 number, I didn't consider it significant VMS activity, mainly  
22 because it includes transit. It's all VMS pings. I am not able  
23 to filter out active fishing, and so you should see what the  
24 ports look like.

25  
26 It was that Many Mounds northeast corner that I was actually  
27 referring to, and I'm sorry if I misspoke, but that was the area  
28 that I spoke with the fishermen about on whether or not that was  
29 going to be an area of contention.

30  
31 **CHAIRMAN DIAZ:** Thank you. Any discussion on Action 4? Ms.  
32 Bosarge.

33  
34 **MS. BOSARGE:** These are the areas that you all just went out and  
35 did the cruises for, right? So, based on what you saw on the  
36 bottom there, is there a significant impact from the fishermen?  
37 I mean, these corals are getting to the point that we better do  
38 something and they're in jeopardy, or does it look like the  
39 fishermen are fishing sustainably?

40  
41 I am asking that because we have some options in here to make  
42 these HAPCs with no regulations on them, and this looks like  
43 it's just a little corner of this box and maybe a little area  
44 there, but, when you start adding all of these things together  
45 in aggregate, all the bottom that you're kicking these fishermen  
46 off of, it does become a bigger picture.

47  
48 If you look at that table at the beginning of this document, the



1 area in the Gulf of Mexico that already has some sort of  
2 protection, be it HAPC status with no regulations or sanctuary  
3 or reserve, whatever the case may be, versus the total hard  
4 bottom known in the Gulf, we've already got 30 percent of it  
5 with protections around it, and so every little corner that we  
6 keep adding to that pile shoves those fishermen into higher and  
7 higher densities, and do you see what I'm saying, on the bottom  
8 that's still left open, and you're just putting more stress on  
9 the bottom that's open. I guess that's what I am wondering. In  
10 your opinion, do we have a problem there with the fishermen?

11  
12 **DR. KILGOUR:** Well, that's not a loaded question at all. My  
13 brief glimpse into what we saw down there is no. However, I  
14 want to reiterate that we have been speaking with fishermen. We  
15 front-loaded this document so much with getting fishermen input  
16 that I want to say that we're not moving them with these  
17 particular areas.

18  
19 Now, I can't say the same thing for other areas that we're going  
20 to discuss later in the document, but, for these particular  
21 areas, those bottom longliners have come to meetings, and they  
22 have given input and they have taken these coordinates, and they  
23 have given us information. Did we see bottom longlines wrapped  
24 around a couple of reefs? Yes. Did we see traps on some of  
25 these reefs? Yes.

26  
27 When we're only looking at small sections of these larger areas,  
28 I am not comfortable with extrapolating and saying there is a  
29 problem, because I don't see there is a problem, but should we  
30 freeze the footprint for maybe less-experienced fishermen in the  
31 future? That's a council decision, but I am not -- I don't feel  
32 comfortable saying that there is a fisheries problem now and  
33 that they are degrading this habitat now.

34  
35 What I am comfortable with saying is we have gone to them, very  
36 early on in this document, and gotten their input and tried to  
37 mitigate any effects to them in this particular area, because  
38 they have been very helpful with information.

39  
40 **CHAIRMAN DIAZ:** Ms. Bosarge and then Dr. Frazer.

41  
42 **MS. BOSARGE:** I guess that's my quandary with some of these  
43 protections that we're putting in place, is that we're trying to  
44 mitigate things that may come up in the future. Well, first  
45 off, commercial fishermen are dying off and not being replaced.  
46 Part of that is maybe a profitability standpoint, but some of it  
47 is regulation. We have regulated them to death, and, to assume  
48 that they're going to be guilty of something before they have

1 even done it or shown any evidence and close an area down to  
2 them, that just goes against everything in me to do that.

3  
4 Combine that with the fact that these corals are moving, the  
5 densities of corals are shifting, and so we're drawing boxes in  
6 the Gulf of Mexico that may be null and void here in about  
7 twenty or thirty years, as we see changes in pH and changes in  
8 temperature, and I guarantee you that we never go back and open  
9 an area. As something dies off, we never open that area back up  
10 to fishermen, and so I just have big reservations with actually  
11 putting fishing regulations on these sites.

12  
13 HAPC status, I realize that will give the coral a little bit  
14 more protection, because it instigates other processes that have  
15 to take place for oil and gas and things like that, and there is  
16 some extra protections there, but I really have issues putting  
17 fishing regulations in when we don't see where these corals are  
18 in jeopardy.

19  
20 Honestly, I think what we should be doing at some point, rather  
21 than closing these things, is to come up with some metrics,  
22 right? We're sitting here and we're qualitatively saying, well,  
23 we think the corals are okay, or, well, we think the fishermen  
24 may be impacting the corals, and, with everything else we do,  
25 it's not qualitative. It's quantitative, right? We kill fish,  
26 but there's a certain point you don't want to go past, because,  
27 at that point, you jeopardize that stock, right?

28  
29 We have metrics that we use, and we don't have any metrics here.  
30 We're just saying we think that they might be threatened and we  
31 need to protect them in the future, and I really think we should  
32 develop metrics for this, so that we could go in and say, okay,  
33 we've mapped out this, and we see this much destruction, and  
34 that hits our threshold and we need to look at some sort of  
35 protection for this area, but that's a conversation for a later  
36 date.

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

39  
40 **DR. FRAZER:** I appreciate, again, Leann's comments, and I think,  
41 philosophically, I am not opposed to that. What I really think  
42 about carefully here is the fact that, early on, there were at  
43 least two groups involved, people that we count on very heavily,  
44 the SSC and the Coral Committee and the Shrimp Committee and the  
45 longliners.

46  
47 All of these people were engaged, and there was actually a lot  
48 longer list, and that's something that you and I have quibbled

1 about before, and, the way that I understand those meetings to  
2 fall out, it was that they settled on fifteen priority areas  
3 that they could all agree were important areas to designate as  
4 HAPCs with fishing regulations.

5  
6 One of those areas, the Pulley Ridge area, was contentious, and  
7 they weren't really able to resolve that, and so we dealt with  
8 that in a previous action item in this document, but I think it  
9 would be somewhat disingenuous to just say we didn't listen to  
10 that process at all, because I do think that these are fifteen  
11 areas that people have identified as important areas.

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

14  
15 **MS. GUYAS:** Just a question. At this point, we are finished  
16 going back and forth and engaging APs on these?

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

19  
20 **DR. KILGOUR:** We are never finished. This is slated to go  
21 before the SSC in January. It's also slated to go before the  
22 Reef Fish AP when they meet again, and I have it on the Shrimp  
23 AP agenda as well, and probably we will need to convene the  
24 Coral AP. I'm not sure. That's something that -- Once the  
25 council has selected preferred alternatives, this document has  
26 evolved, and it has way more analyses than it had at the  
27 frontend of this, and so it will go before the APs again.

28  
29 **CHAIRMAN DIAZ:** Does anybody have a burning desire to select a  
30 preferred? We've got about forty-five minutes left in this  
31 committee and five action items left to go. Seeing none, Dr.  
32 Kilgour, proceed. Dr. Frazer.

33  
34 **DR. FRAZER:** I will make a motion to make Alternatives 2, 3, and  
35 4 the preferreds, with Option b on all three of them.

36  
37 **CHAIRMAN DIAZ:** We have a motion to make Alternatives 2, 3, and  
38 4, with Option b on all of the alternatives, as the preferred.  
39 Is there a second to that motion?

40  
41 **DR. MICKLE:** I will second for discussion.

42  
43 **CHAIRMAN DIAZ:** It's seconded by Dr. Mickle. Is there further  
44 discussion? Ms. Guyas.

45  
46 **MS. GUYAS:** I am good with this. I mean, I'm not saying that  
47 I'm necessarily going to be supportive of it in the end, but I  
48 think, if we're going to go out to public hearings, I think this

1 is what we would want to choose, so that people can react to it.  
2 If we're off base, people will come and tell us. If we choose  
3 Alternative 1, they are not going to come and tell us, because  
4 they're going to think that we're good to go here, and so I  
5 think I'm good with this.

6  
7 I am also glad that we're going to get some more input from our  
8 APs, and hopefully we will -- Again, that will give us some more  
9 feedback as to whether we're in the right place on a lot of the  
10 points in this document.

11  
12 **CHAIRMAN DIAZ:** Okay. Any further discussion? I am not seeing  
13 any further discussion. **All those in favor, signify by raising**  
14 **your hand.**

15  
16 **EXECUTIVE DIRECTOR GREGORY:** Eight in favor.

17  
18 **CHAIRMAN DIAZ:** **Opposed.**

19  
20 **EXECUTIVE DIRECTOR GREGORY:** No opposition. **The motion passes**  
21 **eight to zero.**

22  
23 **CHAIRMAN DIAZ:** The motion carries. Dr. Kilgour.

24  
25 **DR. KILGOUR:** Okay, and so Action 5 would be new areas for HAPC  
26 status in the northeastern Gulf. Here is the action where  
27 you're going to see several Option c, which would be prohibiting  
28 all bottom-tending gear except for bottom anchoring by fishing  
29 vessels. Several of these areas have been identified as having  
30 a large number of VMS tracks in them from folks fishing with  
31 bandit rigs. Also, we have -- Let me just go through the  
32 different areas.

33  
34 Alternative 2 would be establish a new HAPC named Alabama Alps  
35 Reef. Option a would be no fishing regulations, Option b would  
36 be prohibit all bottom-tending gear, and Option c would prohibit  
37 all bottom-tending gear with the exception of bottom anchoring  
38 by fishing vessels.

39  
40 Alternative 3 would establish a new HAPC named L&W Pinnacles and  
41 Scamp Reef, bound by the following coordinates. Option a is do  
42 not establish fishing regulations, and Option b is prohibit all  
43 bottom-tending gear, and Option c would prohibit all bottom-  
44 tending gear with the exception of bottom anchoring by fishing  
45 vessels.

46  
47 Alternative 4 would establish a new HAPC named Mississippi  
48 Canyon 118. Option a is do not establish fishing regulations,

1 and Option b would prohibit all bottom-tending gear.  
2 Alternative 5 would establish a new HAPC named Roughtongue Reef.  
3 Option a is do not establishing fishing regulations, Option b  
4 would prohibit all bottom-tending gear, and Option c is to  
5 prohibit all bottom-tending gear with the exception of bottom  
6 anchoring by fishing vessels.

7  
8 Alternative 6 would create a new HAPC named Viosca Knoll 826.  
9 Option a is do not establish fishing regulations, and Option b  
10 would prohibit all bottom-tending gear.

11  
12 The last one is Alternative 7, establish a new HAPC named Viosca  
13 Knoll 862/906. This is an area that we had a lot of input from  
14 royal red shrimp fishermen. Option a would not establish  
15 fishing regulations, Option b would be prohibit all bottom-  
16 tending gear, and Option c would prohibit bottom-tending gear  
17 with the exception of bottom trawls from vessels with a royal  
18 red shrimp endorsement. If you have a royal red shrimp  
19 endorsement, you could continue to pull up your nets and have  
20 your gear in the water over this.

21  
22 Just to reiterate, this was another area that we had a lot of  
23 input in the frontend on. It is an area that's used to pick up  
24 nets for royal red shrimping. There was no boundary that was  
25 acceptable to both the biologists and the fishermen that would  
26 allow the fishermen to continue to fish in this area and that  
27 could be a hard line, and so that's why there's that exemption  
28 for royal red shrimp fishermen. Figure 2.5.1 has the VMS data  
29 overlaid on these areas, and, again, those areas that we  
30 included for --

31  
32 **CHAIRMAN DIAZ:** Morgan did a good job describing that, but, for  
33 folks that are listening that may not have been to past  
34 meetings, I just want to stress something. When talking about  
35 the royal red shrimp fishermen, typically they trawl on the  
36 softer bottoms adjacent to these reefs. It is extremely deep  
37 water, and they pull a tremendous amount of cable.

38  
39 From the time that they start winching their nets in to the time  
40 that the nets actually come out of the water, it's a lengthy  
41 process, and they cover a lot of ground, and so the intention  
42 here is not to stop the boat from being in the area while  
43 they're pulling up the net, and the net is not on the bottom.  
44 It's been winched off the bottom at this point. Just for folks  
45 that are listening online, just know that that option does not  
46 let bottom trawls actually on the bottom in the areas. That is  
47 not the intention of it. Thank you, Morgan.

48

1 **DR. KILGOUR:** No problem. Thanks for the clarification. The  
2 three areas that have the exemption for bottom anchoring are,  
3 again, Alabama Alps, L&W Pinnacles, Scamp Reef, and Roughtongue  
4 Reef, and you can see those are all yellows and greens.

5  
6 I want to note that the VMS data includes all bottom-tending  
7 gear VMS, and so not just the reef fish, and so, if there is a  
8 VMS on a shrimp vessel, that would light up as well, which is  
9 what you see at Viosca Knoll 862/906.

10  
11 If you look down to Figure 2.5.2, you can see the shrimp ELB  
12 data, and so pretty much any square that's not white, you can  
13 almost guarantee that they're shrimping in that area, and you  
14 can see Viosca Knoll. They are pulling up their nets there, and  
15 so there is significant activity there. Again, the depths for  
16 these areas are in fathoms on Table 2.5.1, with a minimum depth  
17 of twenty-seven fathoms and a maximum depth of 437 fathoms, and  
18 so, if there are any questions, I would be happy to address  
19 them.

20  
21 **CHAIRMAN DIAZ:** Dr. Mickle.

22  
23 **DR. MICKLE:** Thank you, Chair. Real quick, it's a question,  
24 really, just to try to understand the royal red and the muddy  
25 bottom and the deep water. Alternative 7 has that c option.  
26 Now, Alternative 4, Mississippi Canyon, has similar depths, in  
27 my understanding, and is the bottom type different? Is that why  
28 the royal red fishermen didn't want to add Option c to  
29 Alternative 4? What is the reason why there isn't a c on 4?

30  
31 **DR. KILGOUR:** Right, and so Mississippi Canyon is much deeper,  
32 but, also, we went to the royal red shrimp fishermen, and I  
33 think there were six that had landings for the year that we were  
34 looking at, and one of them is -- They're all in the same port,  
35 it seems, and one of them was kind of their spokesperson, and he  
36 came to us and said these are the areas we use, and so it even  
37 lights up on the shrimp ELB data that Mississippi Canyon --  
38 While there is spots, all those squares are one ping, which  
39 indicates probably transit and not necessarily fishing, because  
40 that's over the course of ten years, and so one ping in ten  
41 years is probably not a fishing ping.

42  
43 **CHAIRMAN DIAZ:** Dr. Mickle.

44  
45 **DR. MICKLE:** That answers the question, but, with all the  
46 industry in one port, if they move, then they all move. I know  
47 it's ten years of data and everything, but there is things to  
48 think about as well. With a single port, when the fleet moves,

1 they move, and the data will show that, and so there's things to  
2 think about with looking at the actual habitat type, if it's  
3 similar. Have there ever been landings there, if it's a decadal  
4 trend of harvest in that area? Just things to think about.

5  
6 **MS. BOSARGE:** I'm glad you brought that up, and I'm just going  
7 to say this so that Morgan will help us remember. When we get  
8 to our public hearings, most of that fishery, the royal red  
9 fishery, is based out of Alabama. I'm sure that Kevin is pretty  
10 familiar with it.

11  
12 There are only -- Like you can probably count them on two hands,  
13 the number of guys that off and on prosecute that fishery,  
14 because it is so dangerous. It really is a dangerous fishery,  
15 to be in that deep water with all that gear out.

16  
17 When we go to that public hearing, we had one royal red shrimper  
18 that was able to come to our meetings, but we don't have any of  
19 that representation on our Shrimp AP currently, but we did have  
20 him come to one of the Shrimp AP meetings, but I think we  
21 probably need to make a point, as a council, to try and reach  
22 out to the rest of those guys.

23  
24 I know there was one other that we invited that couldn't come,  
25 but try and pull them into those public hearings and make sure  
26 that -- Like Dr. Mickle said, let's make sure that we are  
27 covering all the bases, and that that particular man maybe has  
28 not fished that site, but maybe one of the others has, and so  
29 we'll just try and make a note of that and remember to do that.

30  
31 **CHAIRMAN DIAZ:** Any further discussion? I did want to make a  
32 point, while we're on this section here. One of the things that  
33 we're looking at in these different alternatives is whether to  
34 allow anchoring or not allow anchoring on the areas where  
35 they're using this -- That Morgan has identified as using the  
36 bandit gear, and I am not making a pitch for allowing it or  
37 disallowing it, but I did spend some time to look and see if I  
38 could find other areas of the country or the world where they  
39 did something different with anchoring, and there really is not  
40 a lot of stuff out there.

41  
42 The things that I was able to find that people recommend are  
43 mooring buoys, and one thing was just a comment to make sure  
44 that the coral reefs are marked and they're available to users,  
45 with coral reef layers on electronic information, where they  
46 could pull it up on their maps.

47  
48 We did have Mr. Wayne Werner that brought a breakaway anchor to

1 one of our meetings in the past, which might be something that  
2 might be a compromise. Naturally, no-anchoring zones and some  
3 education and outreach was something, I think, that was  
4 presented by the Reef Fish Shareholders Alliance, and that might  
5 be one way to help with this.

6  
7 There are currently GPS systems now that can hold a boat on  
8 station. I think they're very expensive, and I don't know if  
9 they will work with some of this gear that's used there, and  
10 then I guess, if we don't allow anchoring, people could make  
11 sure that there's enough crew onboard to hold the boat on  
12 station.

13  
14 From what looking I have done, that's the options for people if  
15 we don't allow anchoring, and I'm sure there might be some other  
16 ones out there, but I just wanted to talk about that for a few  
17 minutes. Mr. Greene.

18  
19 **MR. JOHNNY GREENE:** I kind of agree with you on the anchoring  
20 thing. It's something that we need to be careful about, because  
21 it's something that -- I anchor on occasion, in different  
22 places, and you mentioned that Wayne Werner had brought an  
23 anchor up and showed a breakaway as well, and so I think that's  
24 something we need to keep in mind with.

25  
26 I mean, obviously, the buoys are a good idea, but then you get  
27 into who is going to maintain them and keep them lit sort of  
28 thing, which a buoy is a great idea. It's one of those things,  
29 but there is a Coast Guard regulation of keeping them lit and  
30 making sure that you don't have any problem with that, and so I  
31 think that's something we need to be very careful about in some  
32 of these areas that we're getting into.

33  
34 As we're working this document and it's kind of moving from the  
35 east over to the west, you're getting into areas that are going  
36 to have a substantial amount of fishing, as well as diving, that  
37 will go on, and, obviously, if divers are going to be down, I  
38 would imagine you would want some type of boat anchored  
39 somewhere, rather than just bobbing around, but I'm certainly  
40 not a diver, and I don't want to speak for them, but I think  
41 it's something that we need to take into consideration.

42  
43 As a follow-up, I do fish this area a bunch, and I do fish  
44 around some of those royal red shrimp boats at times, and that  
45 current, which we're basically right off the mouth of the  
46 Mississippi River -- For about the last two weeks, it's been a  
47 little over two knots, and, those guys, it takes them about an  
48 hour. When they start pulling those nets up, it takes about an



1 hour for them to get them up.

2  
3 It's one of those things that can be some pretty good fishing  
4 around them, whenever they're pulling up the nets and so on and  
5 so forth, and that's why I know as much about it as I do, and I  
6 think it's a good idea to have something in there, because two  
7 knots of tide on a 150-foot boat, with all that cable and with  
8 all that stuff, there's a lot of water drag on the gear, and it  
9 will push it and pull it, and so I think that's a good idea, and  
10 I had missed that part of that particular one about drifting  
11 through there, and so that was a great idea.

12  
13 **CHAIRMAN DIAZ:** All right. I am not seeing any comments,  
14 Morgan. I am assuming that nobody wants to throw out any  
15 preferreds for Action 5 at this point? Dr. Frazer.

16  
17 **DR. FRAZER:** I just think, for consistency, and I would follow-  
18 up with the same arguments that Martha made before. I am  
19 willing to throw them out there and certainly discuss them and  
20 get some feedback from the public on this one.

21  
22 **I would make a motion that Alternative 2, Option b be a**  
23 **preferred, Alternative 3, Option b be a preferred, Alternative**  
24 **4, Option b be a preferred, Alternative 5, Option b be a**  
25 **preferred, Alternative 6, Option b be a preferred, and**  
26 **Alternative 7, Option c be a preferred.**

27  
28 Having said all of that, I am very sensitive to the anchoring  
29 issue, and I look forward to hearing what people have to say  
30 about that.

31  
32 **CHAIRMAN DIAZ:** All right. We have a motion. Is there a second  
33 to the motion? Just to clarify, Dr. Frazer, basically, the  
34 Option b that you picked through most of the things, that would  
35 not allow anchoring on the sites, and Option c that you picked  
36 for Alternative 7 would allow the royal red shrimpers to winch  
37 their nets in inside the zone.

38  
39 **DR. FRAZER:** Correct.

40  
41 **CHAIRMAN DIAZ:** Okay. We have a motion. Did we have a second?  
42 It's seconded by Ms. Guyas. Is there further discussion?  
43 **Seeing none, all those in favor of the motion, raise your hand.**

44  
45 **EXECUTIVE DIRECTOR GREGORY:** Six in favor.

46  
47 **CHAIRMAN DIAZ:** All those opposed.

48

1 **EXECUTIVE DIRECTOR GREGORY:** One. The motion passes six to one.  
2  
3 **CHAIRMAN DIAZ:** Dr. Kilgour. Ms. Bosarge.  
4  
5 **MS. BOSARGE:** I was thinking about what Johnny said, and have we  
6 -- Most of the analysis in this document focuses on commercial  
7 fishing. We have the data there to be able to look and see what  
8 the effort looks like and where exactly they're fishing and this  
9 and that.  
10  
11 The for-hire fleet obviously fishes out here too, and the  
12 anchoring prohibitions may affect them as well, and I'm sure  
13 that it could affect private anglers too, but have we run this  
14 by any of the for-hire APs in the past, or have we been mainly  
15 focused on the commercial side of the house?  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** The Reef Fish AP.  
18  
19 **MS. BOSARGE:** The Reef Fish AP, which has some for-hire people  
20 on it. I just want to make sure that, as we continue down this  
21 path, that we include any APs that may need to take a look at  
22 it.  
23  
24 **CHAIRMAN DIAZ:** That's a very good point, Ms. Bosarge. Thank  
25 you. Dr. Kilgour.  
26  
27 **DR. KILGOUR:** Okay. Action 6 would be new areas for HAPC status  
28 in the northwestern Gulf. There are three areas in this besides  
29 the no action alternative. Alternative 2 would establish a new  
30 HAPC named AT 047. Option a is do not establish fishing  
31 regulations, and Option b would prohibit all bottom-tending  
32 gear.  
33  
34 Alternative 3 would establish a new HAPC at AT 357. Option a is  
35 do not establish fishing regulations, and Option b would  
36 prohibit bottom-tending gear. Alternative 4 would establish a  
37 new HAPC named Green Canyon 852. Option a would not establish  
38 fishing regulations, and Option b would prohibit bottom-tending  
39 gear.  
40  
41 The minimum depths of each of these areas is between 437 fathoms  
42 and 820 fathoms, and, if we fast-forward through the document to  
43 Figure 2.6.1, you can see these three areas. You can see there  
44 is a couple of shrimp ELB pings, but no significant VMS data at  
45 all. In fact, no VMS data is in any of those boxes, and so I'm  
46 happy to answer any questions.  
47  
48 **CHAIRMAN DIAZ:** Any questions for Dr. Kilgour? Ms. Bosarge.

1  
2 **MS. BOSARGE:** It's not a question. I meant to mention this  
3 earlier. Morgan, in each of the alternatives, as we get into  
4 the actual areas that we're looking at closing, it's set up sort  
5 of like a spreadsheet, and so, in that first column, where it  
6 says "Area" and it gives the name or whatever, right underneath  
7 that, could you put in parentheses, right there, the square  
8 miles that we're talking about closing for each one of the  
9 alternatives? You have it in there, in a table format in a  
10 summary shortly after the alternatives, but it would help if we  
11 had it in each of the alternatives, if you don't mind.

12  
13 **DR. KILGOUR:** No problem.

14  
15 **MS. BOSARGE:** That's all. That was my only comment.

16  
17 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

18  
19 **MS. BOSARGE:** I talked to some fishermen, and we had a  
20 conversation a while back about boats that had shrimp moratorium  
21 permits on them as well as commercial reef fish permits on them,  
22 and they had a VMS, and we were thinking that those were really  
23 shrimp boats that had a VMS for one reason or another, because  
24 we do have VMS requirements in the Atlantic for Gulf boats,  
25 shrimp boats, but I talked to a few of the reef fish fishermen.

26  
27 In fact, I think it may be just the opposite situation. It's  
28 they are commercial reef fish boats with VMS, and so that is VMS  
29 commercial reef fish activity, and they used to have commercial  
30 shrimp permits. They still held onto those permits, and those  
31 permits are assigned to those reef fish boats, in case things go  
32 bad in the future and they need to go back to shrimping again,  
33 and so, just for clarification, that is reef fish activity.

34  
35 **CHAIRMAN DIAZ:** The basic question here, for Alternatives 2, 3,  
36 and 4, is do we want to establish regulations against bottom-  
37 tending gear or not or no action for Alternative 1? Dr. Frazer.

38  
39 **DR. FRAZER:** Again, for consistency, I will just make the  
40 motion. **Motion for Alternatives 2, 3, and 4 as the preferred,**  
41 **with Option b on all three of them.**

42  
43 **CHAIRMAN DIAZ:** We have a motion. Do we have a second? Second  
44 by Ms. Guyas. Any discussion on the motion? Mr. Matens.

45  
46 **MR. MATENS:** Thank you, Mr. Diaz. I need some help here, and I  
47 don't really know who can answer it. Here we are talking about  
48 three areas, 6.8 square nautical miles, and so two-and-a-half-

1 by-two-and-a-half miles, and 3,000 feet deep. Are we talking  
2 about something that's just not practical or -- Help me here.  
3 Do people really do this?

4

5 **CHAIRMAN DIAZ:** Mr. Greene.

6

7 **MR. GREENE:** Well, I don't think so. I mean, I think it's more  
8 that we're trying to set the precedent that we don't want to  
9 allow something to develop that we don't know about. Now, I  
10 can't imagine anything other than maybe a crab pot that would  
11 even be remotely -- But, at that depth, with the current  
12 running, the chance of you hitting it where you think you want  
13 it to be is something else, but fishermen are very innovative,  
14 and it's one of those things.

15

16 This is really deep water. I mean, you're talking 400 fathoms  
17 to get started, and it goes down pretty quick in that area. I  
18 agree with your comment and kind of where you're going, but,  
19 knowing how innovative some of these people are, it may be  
20 something to look at.

21

22 **MR. MATENS:** To that point, that's exactly my point. Are we  
23 doing something that is going to tie our hands in the future?  
24 That bothers me.

25

26 **CHAIRMAN DIAZ:** Dr. Mickle and then Mr. Banks.

27

28 **DR. MICKLE:** Camp, I think your question will be addressed by  
29 public comment, once this goes out as an identified preferred,  
30 and that's exactly what we want to see, as a council, and so the  
31 depth of the water, the expense of the gear, you're going to  
32 hear about it if there is activity in these areas, for sure, at  
33 least presently, and I think that's what Mr. Greene brought up  
34 as well.

35

36 **MR. MATENS:** If I may, to that point, this is just one point.  
37 This is one small area. I am worried about establishing a  
38 precedent about doing something that really doesn't support our  
39 commercial fishing activity, even though I am in a recreational  
40 seat, as everybody knows, but this just bothers me. Thank you.

41

42 **CHAIRMAN DIAZ:** Mr. Banks.

43

44 **MR. PATRICK BANKS:** Along the lines of what Johnny said, it  
45 seems like that -- I can understand us wanting to at least have  
46 a mechanism to address something if it develops, but, in this  
47 case, with Option b in each of those being the preferred, we are  
48 assuming something will develop along these lines, and, since we

1 don't know for sure, in my opinion, it doesn't make sense to  
2 choose Option b. I could probably go along with Option a at  
3 this point, but not Option b. Thank you.

4  
5 **CHAIRMAN DIAZ:** Any further discussion? Seeing none, we will go  
6 ahead and vote. **All those in favor of the motion, signify by**  
7 **raising your hand.**

8  
9 **EXECUTIVE DIRECTOR GREGORY:** Six.

10  
11 **CHAIRMAN DIAZ:** **All those opposed.**

12  
13 **EXECUTIVE DIRECTOR GREGORY:** Three.

14  
15 **CHAIRMAN DIAZ:** **The motion carries.** Dr. Kilgour.

16  
17 **DR. KILGOUR:** The last areas for HAPC status to consider fishing  
18 regulations are in the southwestern Gulf. There are two  
19 alternatives that would establish new HAPCs. Alternative 2 is  
20 establish a new HAPC named Harte Bank bound by the following  
21 coordinates. Option a is do not establish fishing regulations,  
22 and Option b is to prohibit bottom-tending gear in the Harte  
23 Bank HAPC.

24  
25 Alternative 3 would establish a new HAPC named Southern Bank.  
26 Option a is do not establish fishing regulations, and Option b  
27 is to prohibit bottom-tending gear.

28  
29 I want to go through the fishing information that we have on  
30 Harte Bank. Southern Bank, there were no pings for VMS within  
31 that small little box, and, in Figure 2.7.1, you can see it's  
32 aqua in Harte Bank, and so I went through -- I went to the  
33 actual VMS data and looked at what types of permits are  
34 associated with those VMS pings, and they're shrimp permits.

35  
36 When I went and overlaid the shrimp ELB data on them, in the  
37 next figure, you can see that it's all to the west of that area,  
38 but, again, VMS data don't filter out fishing versus non-fishing  
39 activity. It's every ping, and the ELB does filter out fishing  
40 and non-fishing activity.

41  
42 I want to note that these two particular areas were heavily  
43 discussed at the joint meeting of the Coral SSC/AP and the  
44 Shrimp AP, and so they all had these coordinates ahead of time.  
45 They looked at the data, and, while the Shrimp AP did not  
46 recommend any areas for HAPC status, they did not contest these  
47 particular areas. That's not to say that they won't in the  
48 future, but that's the information that we have here. I went

1 back through the data, just to make sure that I was providing  
2 the council with an accurate depiction of what kind of fishing  
3 activity is going on in these areas.

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

6  
7 **MS. BOSARGE:** Morgan, I just want to highlight what you said,  
8 because I think you made a good point. The Shrimp AP, the  
9 fishermen, didn't recommend that anything be an HAPC.  
10 Essentially, what they said is, all right, coral scientists, if  
11 you feel you need to designate some areas as HAPC, we will tell  
12 you what will have the least impact to us.

13  
14 That was the discussion where they said -- We started off with  
15 forty-something sites, and they honed in on fifteen that, if  
16 somebody had to close those down, hopefully that would have the  
17 least impact, but by no means did the fishermen step up and say,  
18 hey, we recommend that you close all of these areas and have  
19 fishing regulations on them, and so they're definitely -- You  
20 could see that between Dr. Frazer and I in this conversation,  
21 right?

22  
23 That's there, and I think the fear to the fishermen at this  
24 point is they came and they settled and they tried to help the  
25 coral scientists come up with these fifteen areas, and it looks  
26 like our preferreds right now are to close all of them,  
27 essentially, have fishing regulations on all of them, and, with  
28 the exception of maybe two of these fifteen, it's the most  
29 restrictive fishing regulations we can have, no anchoring and  
30 this and that.

31  
32 Then there is this looming document in the future to go look at  
33 the other forty-seven sites, the rest of the forty-seven sites,  
34 and so I think that's the part that the fishermen are having a  
35 tough time with. They thought that, if they came and sat down  
36 and they came up with these fifteen sites, and they hoped they  
37 wouldn't have any regulations, but now they're all going to have  
38 regulations, and we may go draw another set of boxes, to get the  
39 total up to forty-seven. That's a tough pill to swallow, given  
40 the amount of bottom that's already closed to those fishermen,  
41 and so that's just an overview.

42  
43 **CHAIRMAN DIAZ:** Dr. Frazer.

44  
45 **DR. FRAZER:** Again, I always appreciate the comments, and I just  
46 -- It's really important to me that people understand, I think,  
47 where I'm coming from, and I am in no way trying to negatively  
48 impact any of the fishing sectors. It's not the intent.

1  
2 My intent is to make sure that the resource that they're able to  
3 exploit is sustainable for generations to come, and, again,  
4 these are just preferreds at this point, and I am certainly  
5 going to look at my colleagues around the table, and I'm looking  
6 at some of them right now, to help me out here to move forward,  
7 but, again, I am trying to balance the sheet a little bit, to  
8 make sure that we are doing what's best for the resource, and I  
9 think that's our job here.

10  
11 **CHAIRMAN DIAZ:** Okay. We're trying to get preferreds before we  
12 take this out to public comment, but it's strictly up to the  
13 committee if they want to pick preferreds or not. Before we  
14 move on to the next action -- Dr. Frazer.

15  
16 **DR. FRAZER:** Again, I will make a motion that Alternative 2 and  
17 3 be the preferreds, with Option b on both of them.

18  
19 **CHAIRMAN DIAZ:** We have a motion. Is there a second? It's  
20 seconded by Dr. Stunz. Any discussion on the motion? **Seeing**  
21 **none, all those in favor, signify by raising your hand.**

22  
23 **EXECUTIVE DIRECTOR GREGORY:** Four in favor.

24  
25 **CHAIRMAN DIAZ:** All those opposed.

26  
27 **EXECUTIVE DIRECTOR GREGORY:** Four opposed. **The motion fails**  
28 **four to four.**

29  
30 **CHAIRMAN DIAZ:** **The motion fails.** All right, Dr. Kilgour. Dr.  
31 Frazer.

32  
33 **DR. FRAZER:** Thanks, Dale. **Again, we're trying to get some**  
34 **preferreds, so we can have some discussion, and so I'm happy to**  
35 **make a new motion that Alternatives 2 and 3 be the preferred**  
36 **with Option a.**

37  
38 **CHAIRMAN DIAZ:** We have a motion. Is there a second? It's  
39 seconded by Ms. Guyas. Any discussion on the motion? **All those**  
40 **in favor, signify by raising your hand.**

41  
42 **EXECUTIVE DIRECTOR GREGORY:** Eight in favor.

43  
44 **CHAIRMAN DIAZ:** **The motion carries.** Whenever you're ready, Dr.  
45 Kilgour.

46  
47 **EXECUTIVE DIRECTOR GREGORY:** We had one opposed.

48

1 **DR. KILGOUR:** Hopefully we can fly through the next two actions,  
2 so that I'm not taking up too much of your lunchtime. Action 8  
3 would establish new HAPCs with no fishing regulations.  
4 Alternative 2 would establish a new HAPC at South Reed.  
5 Alternative 3 would establish a new HAPC named Garden Banks 299.  
6 Alternative 4 would establish a new HAPC named Garden Banks 535,  
7 and Alternative 5 would establish a new HAPC named Green Canyon  
8 140 and 272. Alternative 6 would establish a new HAPC named  
9 Green Canyon 234, and Alternative 7 would establish a new HAPC  
10 named Green Canyon 354. Alternative 8 would establish a new  
11 HAPC named Mississippi Canyon 751, and Alternative 9 would  
12 establish a new HAPC named Mississippi Canyon 885.

13  
14 Again, these were recommended to be considered as HAPCs, but  
15 have no fishing regulations. A map with the VMS data overlaid  
16 on them is Figure 2.8.1. A lot of these are in very deep water,  
17 or all of these are in very deep water, with the exception of  
18 South Reed. Then the ELB data overlaid onto these is Figure  
19 2.8.2.

20  
21 Then, to look at South Reed, it's Figure 2.8.3, which is a  
22 couple of pages down, which has the VMS and the ELB all included  
23 on the same figure. Again, none of these are recommended to  
24 have fishing regulations at this time, and I am happy to answer  
25 any questions.

26  
27 **CHAIRMAN DIAZ:** Ms. Guyas.

28  
29 **MS. GUYAS:** I think I know the answer to this, but I don't see  
30 it explained, at least under this action, but maybe I just  
31 didn't get to the right page. Can you talk about the value of  
32 designating an area as an HAPC if it doesn't have regulations?  
33 What does that accomplish?

34  
35 **DR. KILGOUR:** It's in the background, and so that's why you  
36 don't see it there, but an HAPC is a subset of EFH. It has to  
37 meet one of four different requirements, and I am going to pull  
38 them up, so I don't misspeak, really quickly.

39  
40 It needs to be significantly ecologically important, habitat  
41 that is sensitive to human-induced degradation, located in an  
42 environmentally-stressed area, or considered rare. The SSC, the  
43 Coral SSC I should say, has made the contention that some of  
44 these deepwater corals, especially the black corals that can be  
45 up to 1,800 years old, by their very nature, they are sensitive  
46 to -- Once you yank that from the floor, it's unlikely to be  
47 recovered or replaced within our lifetime, our children's  
48 lifetimes, our children's children's lifetimes.



1  
2 By the age of these particular species, they are very sensitive  
3 to human-induced degradation, and it's similar for the reef-  
4 building corals as well.

5  
6 **CHAIRMAN DIAZ:** Any further discussion on Action 8? Mr. Greene.

7  
8 **MR. GREENE:** Looking at the VMS tracks in Figure 2.8.1, I know  
9 these are deepwater sites, as we talked about earlier, but what  
10 type of VMS traffic is this? Is it shrimp? I mean, I saw the  
11 shrimp tracks earlier, but, in this particular graph, it seems  
12 like some of these are being used, and can you speak to what  
13 type of fishing is going on?

14  
15 **DR. KILGOUR:** I can have that information for you at Full  
16 Council. I didn't do that in-depth analysis, since none of  
17 these were recommended for fishing regulations, but I can  
18 certainly add it to the document and have it for you at Full  
19 Council.

20  
21 **MR. GREENE:** To that point, I think that, even though it's not  
22 being asked to set up for fishing regulations, I still think  
23 it's important to know what type of fishing interests are  
24 happening in that area.

25  
26 **CHAIRMAN DIAZ:** Any further discussion on Action 8? Dr. Frazer.

27  
28 **DR. FRAZER:** Just to move things along, I will just make a  
29 motion that Alternatives 2 through 9 be the preferreds.

30  
31 **CHAIRMAN DIAZ:** We have a motion. Is there a second? It's  
32 seconded by Dr. Stunz. Is there any discussion on the motion?  
33 **Any opposition to the motion? One in opposition, and the motion**  
34 **carries.** Ms. Bosarge.

35  
36 **MS. BOSARGE:** I just wanted to make the point that like -- So we  
37 spent maybe four or five minutes on that action item right  
38 there, and, in four or five minutes, we have a preferred  
39 alternative that's going to create eight new HAPCs in the Gulf  
40 of Mexico, and that was the whole reason that I really didn't  
41 want fifteen sites in one document, because there is really no  
42 way to actually put the time into that as a council, during  
43 committee, to truly look at each one of those boxes and see what  
44 kind of fisheries that we may be impacting and make a good,  
45 informed decision.

46  
47 Fifteen is just too much, and that's just one action item, with  
48 eight HAPCs created just like that. I know we have what we

1 have, but I just wanted to reiterate that I did not think this  
2 was a good path to go down and put that many sites into one  
3 document for the council to look at.

4  
5 **CHAIRMAN DIAZ:** Dr. Frazer.

6  
7 **DR. FRAZER:** Again, I take those comments to heart, and I think  
8 that you're right. Probably forty-one were too many to have in  
9 this document, but what I'm still trying to go back a little bit  
10 and think about is I didn't have the pleasure of sitting in on  
11 those joint AP meetings, I guess.

12  
13 The way that I have interpreted much of the information in this  
14 document is that those groups came together and essentially  
15 identified and agreed that these were all priority areas for  
16 this designation, and, if I'm wrong on that, then I need to  
17 know, but that's not how I understand things to be, necessarily.

18  
19 Let me back up. The group came together, the groups came  
20 together, and so what I'm asking for is some clarification and  
21 history here, because I want to make sure that I do this right,  
22 and so there was a large number of potential locations that were  
23 identified. They said this is a really large number, and so  
24 it's almost impossible for us to deal with all of these in one  
25 document, and so we have identified fifteen priority areas that  
26 should be considered as HAPCs with fishing regulations.

27  
28 Then there were eight additional areas that were identified as  
29 being designated as HAPCs without fishing regulations, and so I  
30 am just going on the belief, and I guess I need to make sure  
31 it's a fact, and that fact was the recommendation of those two  
32 groups.

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

35  
36 **DR. KILGOUR:** You are correct in that they were tasked with  
37 coming up with priority areas from those forty-seven areas. It  
38 was a meeting between the Coral SSC and AP and the Shrimp AP,  
39 because, at the time, it was determined that the Shrimp AP would  
40 probably be the most affected fishery with a lot of these areas.

41  
42 I would like to note, for the historical purposes, that a lot of  
43 these areas that were in the original forty-seven areas that are  
44 not being considered in this document were removed from  
45 consideration because, at the time, they were in the proposed  
46 preferred alternative expansion of the Flower Gardens National  
47 Marine Sanctuary.

1 They were removed from the priority, because the Coral SSC/AP  
2 thought that process would take care of those areas, and so  
3 these were the prioritized areas based on the information that  
4 was available at the time, but you are correct that the groups  
5 came together and they discussed each of these areas. There  
6 were boundary modifications to specific areas, including  
7 Southern Bank in south Texas, that were agreed upon by the group  
8 and then re-presented to the council.

9  
10 **CHAIRMAN DIAZ:** All right. Not seeing any further discussion,  
11 Dr. Kilgour, do you want to move into Action 9?

12  
13 **DR. KILGOUR:** Action 9 is kind of a housekeeping action, and the  
14 committee and the council should decide -- When we were going  
15 through the CFRs for each of the HAPCs that are already on the  
16 books, and those are located in the background section, it was  
17 noted that there are some HAPCs that prohibit dredging and  
18 others don't prohibit dredging.

19  
20 For consistency, we wanted to offer you the opportunity to  
21 either add dredging as a prohibited gear in all of the existing  
22 HAPCs that have fishing regulations, and I need to be very clear  
23 that some of them do not have fishing regulations, or not.

24  
25 Alternative 1 is no new dredging-specific management measures  
26 will be implemented in currently-established HAPCs, and areas  
27 with dredging restrictions already in place will retain those  
28 restrictions.

29  
30 Alternative 2 would prohibit dredging in all existing HAPCs that  
31 have fishing regulations, and, again, in the background, and let  
32 me pull up that table, because I think this is where some of the  
33 confusion is.

34  
35 In Table 1.1.2, we have a list of the existing National Marine  
36 Sanctuaries, marine reserves, and HAPCs in the Gulf, and so some  
37 of these areas have dredging prohibitions and others do not.  
38 This action would not introduce dredging restrictions for  
39 anything that has none under the regulations, which are  
40 Alderdice, Bouma, 29 Fathom Gyre, Jakkula, MacNeil, Rankin  
41 Bright, Rezak Sidner, and Sonnier Bank. It would just be making  
42 consistent regulations for dredging. Now, it is not thought  
43 that dredging is occurring in any of these either, but this is  
44 just, again, for consistency.

45  
46 **CHAIRMAN DIAZ:** Thank you, Dr. Kilgour. Any discussion? Seeing  
47 no discussion, does that conclude your -- We did not have any  
48 other business. Is there any other business to come before the

1 council from the committee? Seeing none, we are adjourned.  
2 Thank you.

3

4 (Whereupon, the meeting adjourned on October 2, 2017.)

5

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