

**GRAY'S REEF NMS  
SANCTUARY ADVISORY COUNCIL  
Meeting, January 28, 2004  
11:00 a.m. - 5:00 p.m.  
Holton's Restaurant  
Midway, Georgia**

**Distributed Materials**

- Meeting Agenda
- GRNMS Advisory Council member list
- August 26, 2003 Meeting Minutes
- Slides of DMP/DEIS process to Date
- Summary of DMP/DEIS Public Comment
- Advisory Council Officers Description
- Draft Agenda NMSP Advisory Council Annual Meeting
- Marine Research Area Background Information

**Advisory Council members present**

Matt Gilligan, George Sedberry, Patty McIntosh, Clark Alexander, Henry Ansley, Will Berson, Venetia Butler, Mark Gordon (for Scott Rogers), Joe Kimmel, Leslie Sautter, Bing Phillips, Judy Wright

**Advisory Council members not present**

Daniel Gleason, Doug Rader, Scott Rogers

**Public present**

Lt. Kevin Saunders, U.S. Coast Guard; Jason Delacruz, St. Petersburg Underwater Club and Spearboard representative; Rob Harding, South Carolina Spearfishing Club; Pete Herber, Coastal Conservation Association of GA; Paul Kerr, Florida Skindivers Association

**Staff present**

Reed Bohne, April Fendley, Peter Fischel, Gail Krueger, Greg McFall, Cathy Sakas, Becky Shortland

**Welcome, Agenda, and Minutes**

Advisory Council Chair Dr. Matt Gilligan called the meeting to order at 11:15am. Dr. Gilligan welcomed everyone and introduced new members: University Education Representative Dr. Leslie Sautter, Georgia Conservation Representative Will Berson, and Living Resources Research Representative Dr. Daniel Gleason (absent). Dr. Gilligan also asked for introduction of public/non-member attendees: Kevin Saunders, Jason Delacruz, Rob Harding, Pete Herber, and Paul Kerr.

Dr. Gilligan briefly reviewed the meeting agenda. He called for a motion and second to approve the August 26, 2003 meeting minutes. The minutes received unanimous approval.

**GRNMS Draft Management Plan/Draft EIS Update**

Reed Bohne discussed the status of the Gray's Reef National Marine Sanctuary (GRNMS) Draft Management Plan/Draft Environmental Impact Statement (DMP/DEIS). He presented a slide show

overview of the seven public hearings held in November and December 2003, including information on GRNMS' history, purposes, and regulations. Mr. Bohne also gave an overview of the management plan approval process, including the scoping meetings, Advisory Council meetings, strategy workshops, and coordination with the South Atlantic Fishery Management Council (SAFMC) (please reference copies of the slide presentation). He reminded the Advisory Council that the official comment period was October 24-December 31, 2003, and that the entire process will begin again in 2009.

Mr. Bohne presented a summary of comment topics from the public hearings (comments are listed in the meeting hand outs). The main topics discussed were:

- ban on spearfishing in GRNMS
- hook limitations on allowable fishing gear
- prohibition on anchoring
- research area concept

Mr. Bohne also provided an overview of the next steps in the management plan approval process, including NOAA clearance. Release of the final plan is expected in the Spring/Summer of this year, 2004.

### **November/December Public Hearings**

Matt Gilligan then suggested that Advisory Council members share their observations of the public hearings. Dr. George Sedberry commented that he was surprised to learn that many in the public did not know spearfishing was allowed at GRNMS. Dr. Gilligan expanded on that by noting that GRNMS is not a popular location for spearfishing but may be an important place for fish to grow large and for protection and conservation of the essential habitat.

Bing Phillips stated that adding regulations can have subsequent unintended effects; when rules become so complicated, people will either break the law or give up fishing all together. Henry Ansley commented that his main interest in attending the hearings (six out of the seven held) was to see what the public had to say about the proposed regulations. He noted that most people had no problem with a prohibition on anchoring; some people suggested mooring buoys for certain purposes. He noted that most people liked the allowable gear rule, but this rule should be more clearly defined. Also, people react to the idea of any closed area including a research area; however, clarification of the process involved led to better understanding by public.

Judy Wright said she attended the Brunswick meeting, which had small attendance including a few fishermen but no spearfishing supporters. She attributed this absence to the lack of "buzz" on closing GRNMS at this time as compared to the public's perception during scoping meeting four years ago. Bing Phillips noted that many people might not have participated because they have the attitude that the government will do what it wants regardless of public sentiment. George Sedberry noted that holding a public hearing in Charleston had the added benefit of educating the public about GRNMS where limited awareness of the sanctuary exists. Patty McIntosh mentioned the attention that GRNMS garnered when The Georgia Conservancy published articles on the sanctuary in its newsletter. Reed Bohne closed the discussion with the statement that it is more difficult for the public who may not fish or dive to become energized about an area 20 miles offshore. The public often sees more immediate resource concerns along the Georgia coast and barrier islands, and that becomes a

higher priority for attention.

The lunch break followed this discussion.

### **Public Comment to Advisory Council**

Chair Matt Gilligan opened the floor to public comment. Jason Delacruz, representing the St. Petersburg Underwater Club and Spearboard, noted that the number of spearfishermen at GRNMS is small. Restricting use by this group will not accomplish anything in terms of protecting the resources. He further stated that GRNMS' proposal to prohibit spearfishing is based on opinion and not on facts.

Joe Kimmel asked Mr. Delacruz whether he had estimates of spearfishermen from his group who actually visit GRNMS and whether he had any ideas to improve existing information or estimates of spearfishing visits to and take from GRNMS. Mr. Delacruz responded that random recreational surveys conducted by NOAA Fisheries have been done. Dr. Kimmel commented that those surveys do not pinpoint GRNMS because there is not a large enough sample.

Discussion followed among Council members regarding survey methods that would better capture users of GRNMS. Bing Phillips remarked that the statement of a 400% increase in users since 1982 was misleading. Joe Kimmel noted that the methods probably indicate that the individual angler is underrepresented.

Paul Kerr, representing the Florida Skindivers Association, spoke about his main objection to the DMP/DEIS: taking away the "right to spearfish." He stated that spearfishing is not responsible for decimating fish populations because it is a very effective way to fish; that is, there is no by-catch. He also stated that spearfishermen only take legal size-limit fish and that it is difficult to catch the biggest fish.

Bing Phillips asked Mr. Kerr how much time a spearfisherman would spend at the bottom of GRNMS. Mr. Kerr said it would be less than 3 hours a day, whereas hook and line fishing is constant.

Robert Harding, representing the South Carolina Spearfishing Club, questioned what GRNMS proposed regulations are trying to protect since fish of the snapper-grouper complex are not resident fish in the sanctuary. He echoed others' sentiments that catch by spearfishermen represents a small percentage of the harvest in GRNMS and that spearfishermen spend more money to fish. He expressed his concern about a lack of data on the number of spearfishermen at GRNMS.

Reed Bohne responded with information from the socioeconomic survey conducted through Duke University that estimated spearfishing activities in the sanctuary. Mr. Harding responded by noting that he and other spearfishermen are interested in maintaining sustainable fisheries but do not believe that banning spearfishing in GRNMS will have any positive effect on the fishery.

Science Coordinator Greg McFall asked Mr. Harding if he had any suggestions for obtaining data on spearfishing at GRNMS. Mr. Harding stated that sufficient information could be gained from Internet diving and fishing forums.

Pete Herber, a member of Coastal Conservation Association (CCA) of Georgia, stated that he had spoken with several CCA members; no objections to spearfishing were received with the condition

that the same sportfishing rules and regulations apply.

After public comments concluded, Chair Matt Gilligan asked council members to respond to the public input. Reed reminded the council that the official public comment period ended on December 31, 2003. Any additional comments received after this date will not appear in the final management plan as official comment.

Council member Joe Kimmel noted that fishing is not a “right” but instead a “privilege.” The government has a responsibility to manage these resources in order to maintain sustainable fisheries. Spearfishermen may represent a small number of users within the sanctuary, but a small number of spearfishermen may have a significant impact on the productivity of the resource/ecosystem. Spearfishermen are after the biggest fish, which are crucial in reproduction; managers must consider a precautionary approach to protect large individual fish and possible spawning aggregations.

Henry Ansley noted that a recurring suggestion during the public hearings was to close the sanctuary to spearfishing on a seasonal basis. Henry asked about the Looe Key study; Law Enforcement Coordinator Lt. Peter Fischel responded that the study indicated the existence of larger fish in areas closed to spearfishing. Chair Matt Gilligan agreed based on personal experience, but stated that no area in the South Atlantic Bight has been designated to study this premise.

Bing Phillips commended the spearfishermen who drove long distances to attend the meeting. Throughout the review process of the management plan, Bing did not view himself as a representative of spearfishermen; however, now that he has spoken with spearfishermen, he supports their views. Bing also reiterated the comments made by Pete Herber.

In response to Will Berson’s question regarding a ban on spearfishing with SCUBA gear, George Sedberry noted that spearfishing with SCUBA gear is more efficient and gives these divers a greater advantage in harvesting fish.

Joe Kimmel stated that spearfishing could, in fact, produce by-catch unless a spearfisherman is very skilled at spearing. Matt Gilligan also stated that, based on his experience with spearfishing, a small minority of people who break rules can have a large impact on the resources. However, Matt does not feel that closing GRNMS to spearfishing will have a significant impact on the sustainability of these regional resources or on the socioeconomics of the Georgia coastal area. Nevertheless, the positive effects of eliminating spearfishing will not be known until a ban occurs. Matt feels that the time is approaching when we will want to have kind of environment in water that we have on land (e.g. national parks) for the benefit of the general public where you can still see an intact ecosystem.

George Sedberry commented that he has studied GRNMS for a long time and acknowledges that large fish are rare at GRNMS even though he would expect to see them there. Shallow reefs are important staging areas for spawning; thus, large fish are especially valuable at GRNMS. George also noted that this potential “staging area” could provide an easy target for spearfishing.

Leslie Sautter stated that a study similar to Looe Key should be conducted at GRNMS; she suggested that the best method to perform such a study would be to eliminate human activities and then observe the effects.

Bing Phillips stated that he has no reason to believe that things are not normal at GRNMS; he feels that all studies indicate a healthy reef and that fishermen are catching many large black sea bass in the sanctuary. Matt Gilligan disagreed and commented that the Continental Shelf is “fished out” based on previous fish population studies. Joe Kimmel noted that increased numbers of pelagic fishes and of black sea bass are a result of management efforts to recover these stocks, although black sea bass continue to be overfished.

Venetia Butler noted that GRNMS is a very small geographic area in a vast ocean; proposed changes would not apply to the entire ocean. A controlled area is needed for comparative purposes in order to understand the larger ocean region. Matt Gilligan noted that extensive bottom mapping of GRNMS has occurred, thus increasing its likelihood as an area for fishing and diving. He suggested that more extensive mapping should occur in other areas.

Henry Ansley cautioned that setting aside a research area within GRNMS should not be discussed now; this discussion will be held later today. He emphasized that GRNMS staff and Advisory Council have a commitment to protecting sanctuary resources; however, the benefits of a spearfishing ban are unknown. Moreover, prohibitions based on limited data may expose the sanctuary to litigation. Henry asked if banning all spearfishing gear would aid in enforcement against illegal spearfishing gear. Lt. Mark Gordon responded that enforcement would be more feasible if all spearfishing were prohibited, so long as the regulations are written in an “enforcement-friendly” manner. The proposed regulations may need some revision.

Joe Kimmel noted that NOAA Fisheries has had numerous lawsuits based on a lack of data.

Will Berson explained that he supported a spearfishing ban in part because a prohibition would have very little negative socioeconomic impacts since very few people now spearfish at GRNMS. The long-term benefits, however, could be important.

Henry Ansley responded by emphasizing that GRNMS has more obligations than simply protection of resources; other mandates include facilitating compatible uses. Bing Phillips emphasized that GRNMS is a national resource and not just a Georgia marine sanctuary; therefore, GRNMS staff could have expanded the public hearings outside of the region. He further explained that he believes bottom fishing with hook and line gear also damages the resources; limiting one user group (i.e. spearfishermen) is unfair.

Greg McFall asked if spearfishermen would be willing to seek permits for spearfishing in GRNMS. He proposed that a permitting system would help the sanctuary to gain the needed data on spearfishing activities and impacts. Mr. Kerr replied that he would oppose a permitting fee but had no objection to a free permitting system that could assist in acquiring needed data. Mr. Harding cautioned that enforcement could be an issue if a permitting system was implemented.

Clark Alexander asked about fishing tournaments at GRNMS. Reed Bohne responded that fishing tournaments usually target king mackerel and that tournament territory is anywhere offshore (not limited to GRNMS).

Leslie Sautter added that she had comments on the education action plan in the DMP/DEIS. She proposed that education efforts focus more on the undergraduate college community. Leslie noted that a wonderful network of educators exists in the Southeast who can have a broad and significant

impact beyond the Georgia region; she suggested creating an “education working group” within the GRNMS Advisory Council. Matt Gilligan also emphasized the benefits of integrating research and education for the college community.

### **Election of New Officers**

Reed Bohne presented awards to members who are rotating off the Advisory Council: Matt Gilligan, Chair; George Sedberry, Vice Chair; and Patty McIntosh, past Secretary. Awards were presented in recognition of their service over the past four years. Matt Gilligan then called for nominations for new officers. The following officers were nominated, seconded, and approved unanimously: Judy Wright, Chair; Bing Phillips, Vice Chair; and Venetia Butler, Secretary.

### **Advisory Council Chairs and Coordinators Meeting**

Incoming Advisory Council Chair Judy Wright asked Becky Shortland to discuss the upcoming NMSP Advisory Council Chairs and Coordinators Meeting, which will be hosted by GRNMS in Savannah, GA on February 23rd – 27th. Becky explained that Judy would play an important role in welcoming and presiding over part of the meeting. Judy will also present a case study on GRNMS. Becky noted that a social gathering will be held at the Skidaway Institute of Oceanography on Wednesday, Feb. 25th, and extended an invitation to all Council members.

Reed Bohne asked for suggestions for the case study. The purpose of the case studies is to share experiences of Advisory Councils’ involvement in sanctuary programs and management. Currently, staff has suggested the research area concept working group as a possible topic. Clark Alexander suggested that the benthic habitat mapping might be a good topic. Becky noted that last year’s case study included discussion of the mapping.

### **Marine Research Area Concept Working Group**

Greg McFall discussed the Marine Research Area Concept Working Group (refer to pages 23-26 of hand out). Greg presented a brief background on the development of the working group and asked the Advisory Council to designate a working group chair. After some discussion, Dr. Joe Kimmel was named Chair of the working group. Leslie Sautter requested that an education representative be added to the group. Greg stated that he would like to limit the group to approximately 16 members and suggested that the first meeting be held in April. Joe Kimmel recommended Kerry O’Malley of the SAFMC as the regional representative because of her work on regional marine protected areas. Joe also recommended that someone representing commercial fishing be considered. Greg asked council members to contact him with other participant nominations by February 11th. Judy Wright requested that staff send a list of categories of disciplines and/or representation groups to aid with nominations.

Reed Bohne reminded the council that the working group would report back to the Advisory Council. He stated that the first issues presented to the working group should focus on the feasibility and value of a research area.

### **Final Comments / Notes of Interest (Constituent Reports)**

Chair Judy Wright called for any final comments or notes of interest from Advisory Council members.

Venetia Butler noted that members might want to look at the new curriculum guidelines posted on the Georgia Department of Education web site.

Patty McIntosh reminded the council that public hearings for marsh hammock management and protection will be held in Savannah on Monday, Feb. 2nd, and Brunswick on Tuesday, Feb. 3rd.

Bing Phillips offered to transport people to Ossabaw Island if needed during the Advisory Council Chairs and Coordinators meeting field trip.

Lt. Mark Gordon noted that enforcement continues at GRNMS but that overflights have been limited.

GRNMS Outreach Coordinator Gail Krueger mentioned that the Savannah Morning News recently published an op-ed piece by GRNMS Manager Reed Bohne.

GRNMS Education Coordinator Cathy Sakas mentioned that GRNMS would host four teacher workshops this summer. She also noted that the Student Ocean Council, headed by Education Intern Leah Cooling, has been very active. Cathy also noted that an autonomous underwater listening station, which records underwater and surface sounds, has been purchased for GRNMS.

Joe Kimmel commented that he would be attending three different fishery management council meetings in March. He is also working with the SAFMC on Amendment 13B to the Snapper-Grouper Fishery Management Plan, a very complex strategy.

George Sedberry noted that the U.S. Senate passed the federal budget last week, so various pending research proposals may finally be approved. Reed Bohne noted that the budget includes GRNMS funding as well. The National Marine Sanctuary Program hopes to see an increase.

Leslie Sautter discussed Project Oceanica, an education outreach program designed to develop web-based ocean resources.

Clark Alexander stated that effort is being made by the U.S. Geological Service to start multi-beam mapping along the U.S. coast and Hawai'i.

Judy Wright also commented on her recent presentation at her son's school, during which she wore SCUBA gear and played Greg McFall's live underwater DVD. Clark and Leslie noted that they want copies of the DVD as well.

## **Adjourn**

The next meeting of the GRNMS Advisory Council will be planned for late spring after the new working group meets. The meeting was adjourned at approximately 5:00 p.m.