

**GRAY'S REEF NMS
SANCTUARY ADVISORY COUNCIL
Meeting, March 11, 2003
10:00 a.m. - 4:00 p.m., Sanctuary Office
Skidaway Island, Savannah, GA**

Distributed Materials

- December 2002 minutes
- New council charter
- SAFMC request
- Research area discussion paper
- Conflict of interest policy
- Advisory council chairs and coordinators meeting notes
- Biannual NMSP report
- NCCOS reports (Hare and Hyland)
- MARMAP report

SAC members present

Judy Wright, Patty McIntosh, Joe Kimmel, Bing Phillips, Matt Gilligan, Henry Ansley, Clark Alexander, George Sedberry, Doug Rader, Lt. Mark Gordon (for CDR Dave Cinalli).

SAC members not present

Venetia Butler

Public present

Gail Krueger, Ken Conley (U.S. Navy)

Staff present

Reed Bohne, Becky Shortland, Peter Fischel

Minutes and agenda review

GRNMS Advisory Council Chair Matt Gilligan convened the meeting at 10:17 a.m. and introduced Gail Krueger who is observing. Members reviewed and approved the minutes from the December 18, 2002, meeting without any changes. Dr. Gilligan reviewed the meeting agenda; members approved the agenda with slight changes to accommodate Doug Rader's expected late arrival.

Election of Secretary

Dr. Gilligan noted with great appreciation Patty McIntosh's contributions as Advisory Council Secretary for more than three years, and that it is time to elect a new secretary. Responsibilities were reviewed, which include reviewing minutes after each meeting. GRNMS Staff will continue to record minutes during each meeting so the secretary can be fully engaged. A brief discussion followed on the level of detail in the minutes; members agreed that it was the right level of detail. Dr. Gilligan nominated Dr. Joe Kimmel. The nomination was seconded by Henry Ansley and passed unanimously by members.

Public Comment

There was no public comment at this time. Dr. Gilligan noted that there would be another opportunity for public comment toward the end of the day.

National Advisory Councils Meeting

Dr. George Sedberry reported on the NMSP Advisory Council Chairs/Coordinators meeting hosted by Channel Island NMS in February. Dr. Sedberry reported on the substance of each day's meetings and the scope of interests and issues within Councils across the program. He followed with his case study presentation on the GRNMS research program and the Advisory Council's involvement in development of the program. Discussion continued on related regional programs.

Discussion shifted to the status of black sea bass, which is considered overfished in the region. At GRNMS the abundance is good, but they are juveniles. Dr. Sedberry noted that MARMAP studies show a higher rate of tag returns from GRNMS than other live bottom sites, indicating that there is a lot of recreational fishing at GRNMS.

SAFMC Draft Regulation Request

Reed Bohne reported on his presentation to the South Atlantic Fishery Management Council on March 6th, which represented a formal request for draft regulatory language. The National Marine Sanctuaries Act requires sanctuaries to request fishery-related regulatory language from the appropriate fishery management council. In making the request, GRNMS offered model language, which was accepted by the SAFMC as their proposed draft regulations.

Joe Kimmel asked for clarification of the process and whether there is more action needed by the SAFMC. Mr. Bohne responded that the draft language as approved by the SAFMC on March 6th, satisfies the provisions of the NMSA. No further action is needed by the SAFMC, although they are encouraged to participate in public comment after the draft plan is released. Doug Rader emphasized that he believed the SAFMC was unsure of their role and most likely expects that GRNMS must come before them again. He urged communications between general counsel in National Ocean Service and NOAA Fisheries to clarify the provisions. Mr. Bohne responded that GRNMS would be sending a letter to SAFMC as a follow-up to the actions he believes SAFMC has taken.

Research Area Concept Discussion

Mr. Bohne initiated discussion of the concept of a research area in GRNMS by reviewing actions taken at the last Advisory Council meeting and concerns that were raised since that time. Henry Ansley and Bing Phillips explained their concerns that by initiating the research area working group before the management plan is final it would give the public the perception that the decision has already been made to close a portion of the Sanctuary. Mr. Ansley and Mr. Phillips further explained that recreational fishermen still believe it is the intent of NOAA to close GRNMS to fishing, and that there is a great deal of sensitivity about this subject not only locally but nationally. They also expressed concern that the working group deliberations would become confused with review of the DMP/DEIS.

As discussion ensued, the steps required by statute and NMSP policy of informed decision-making were outlined as follows:

Steps

1. Research area working group is established and develops recommendation(s)
2. Working group makes recommendation(s) to GRNMS Advisory Council
3. Advisory Council deliberates and makes recommendations to Sanctuary Manager
4. NOAA/GRNMS makes decision (e.g., go forward, don't go forward with research area)
5. Begin NEPA process
6. Scoping
7. Workshops if needed
8. Consult with SAFMC
9. Develop draft supplemental EIS
10. Release to public
11. Public comment
12. Revise DSEIS
13. Release FSEIS
14. Implement (projected - end of 2005)

GRNMS staff noted that the working group is viewed as an avenue to gather information and develop recommendations to the Advisory Council. The Advisory Council would be charged with reviewing and discussing the working groups recommendation(s) and making its own recommendations to GRNMS. It is unlikely that a working group recommendation could be developed an earlier than late fall 2003. The Advisory Council might review that recommendation and develop its own advice to the Sanctuary Manager by the end of the year. The Sanctuary will review the report from the Advisory Council. If NOAA decides to proceed with the concept, then a public involvement process would be initiated with scoping to include public meetings and a public comment period.

The following goal was utilized to help guide the discussion:

Goal of the research area working group – to gather information to determine what a research area should accomplish and what some science-based designs might be.

Advisory Council members concluded the discussion with recommendations that the draft management plan be clear in outlining the segmented process of examining the research area concept. There was consensus among all members present that scientists do need a place in the South Atlantic Bight for controlled research. Doug Rader emphasized his view that since the National Marine Sanctuary Program has a mandate to support research, research areas would be better developed through the NMSP than fishery management councils. Henry Ansley urged that establishment of the working group be held off until the DMP/DEIS is released. Mr. Bohne reiterated the Advisory Council decision to establish a research area working group, but noted that the question now is when to start the deliberations of that group. He proposed that the working group begin deliberations after the DMP/DEIS is released and public comment has been concluded, but before the GRNMS plan is finalized. Doug Rader noted that the national conservation groups are concerned about this process. Discussion on this topic was concluded with a unanimous vote on the following timeline. (Note: the dates were projected based on expected internal review at that time.)

May 2003 – release DMP/DEIS

June/July 2003 – public comment on DMP/DEIS

August 2003 – revise DMP/DEIS and submit to NOAA clearance

Sept 1 – staff formally constitutes research area working group

Sept/Oct – Final Management Plan/EIS released

Implement Management Plan by end of 2003.

Conflict of interest policy

Concerns surrounding the concept of a marine research area have also highlighted the need SAC discussion of NMSP/GRNMS conflict of interest policy. Henry Ansley explained that some fishermen perceive that researchers close to GRNMS management, such as Advisory Council members, may have a conflict of interest if they also do research in the Sanctuary. Lt. Mark Gordon suggested that GRNMS might wish to explore the SAFMC conflict of interest policy and existing waiver. Considerable input and discussion followed involving all Council members from several points of view resulting in the following motion that was unanimously approved by the Council:

Resolution and advice to staff:

The GRNMS Council believes that its members are (MG) in compliance with the conflict of interest policy. As concerns the research area working group and appointments to that panel, the GRNMS Council will ensure that there is a clear and open selection process for the research area working group. It is the intent of the SAC to support a process that ensures the full array of

interests representing the best information and science available in the decision-making process. Legal guidance will be sought when questions arise.

Research Vessel Jane Yarn

Lt. Peter Fischel updated the Council on the fate of the R/V Jane Yarn. He explained that it has been a useful vessel, but unfortunately applications and maintenance costs have exceeded that usefulness. Options for transfer or sale have been thoroughly explored with no satisfactory results. Reed Bohne reminded the Council that there is interest in using the vessel to establish an artificial reef off Georgia, which may be the best use of the vessel. GRNMS will be proceeding in that direction by removing any hazardous materials or useful components. As an artificial reef, it may be beneficial to use as an unexploited research area for a period of time, and then transition it toward use.

Matt Gilligan asked whether there is concern an artificial reef in close proximity to GRNMS might act as a fish-attracting device, moving species off GRNMS. Clark Alexander also noted that artificial reefs cause a change in the substrate surrounding the structures. Enforcement was also highlighted as a concern. Doug Rader suggested that a management structure might be accomplished through the South Atlantic Fishery Management Council (SAFMC) as a special management zone; further, that the SAFMC's amendment 14 might be a means to do that. Bing Phillips emphasized that Coastal Conservation Association of Georgia would support the vessel being used as an artificial reef. Clark Alexander suggested that in order to be used as a comparison site, it should be placed at a similar depth as GRNMS, but not near GRNMS. Matt Gilligan noted that the artificial reef could provide useful information on recruitment of fishes and other species in the proximity of GRNMS and on enforcement effectiveness if it were to be designated a special management zone or research area (MG).

In conclusion, Advisory Council members offered the following advice to GRNMS:

- explore going through the SAFMC's amendment 14 to the Snapper-Grouper Fishery Management Plan;
- explore establishing more than one artificial reef for comparison;
- contact all interested parties;
- search out the best science on artificial reef design ahead of time;
- do not locate in or near GRNMS, could damage natural habitat;
- consider a system to permit fishing on the reef.
- consider GRNMS involvement in future management/use if it is not within boundaries of GRNMS
- consider site identified for artificial refugia northeast of GRNMS through SAFMC fishery marine protected area process.

Public comment

Matt Gilligan introduced Ken Conley and Barbara Howell from the U.S. Navy southeast region office in Jacksonville, Florida. There was no comment from either guest.

Adjourn

It was agreed by all that the next meeting of the GRNMS Advisory Council should be dedicated principally to a presentation by staff of the draft management plan as a Advisory Council retreat. The retreat should take place after the document has been cleared by NOAA, but before public release. Matt Gilligan noted that he has some ideas for a location. Others suggested that the retreat be just one day, but may coincide with another activity, such as a trip to GRNMS with a possible dive opportunity. The second week in May was tentatively targeted if the document is ready.

Lt. Mark Gordon noted that the U.S. Coast Guard's Station Tybee recently provided enforcement for GRNMS, and Airstation Savannah continued to provide overflights. He suggested that a brief presentation on the USCG switch to Homeland Security during a future meeting may be of interest; all agreed.

Matt Gilligan thanked the staff for their support in this meeting, and members for attending. The meeting was adjourned at 3:36 p.m.