

Gray's Reef National Marine Sanctuary Advisory Council Meeting
January 10, 2007, Gray's Reef Headquarters, Savannah, GA
Meeting Summary

Distributed Materials

- Meeting Agenda
- Minutes – Advisory Council Meeting October 24, 2006
- Summary of New Regulations
- Copy of Magnuson-Stevens Fishery Conservation & Management Act (MSFCMA) presentation
- Fagatele Bay Information Sheet
- “Ready to Perform” NAPA report
- NMSP Response to “Ready to Perform”
- Coastal Connections Article from Billy Causey

Advisory Council Members Present

Danny Gleason, Living Resources Research
Judy Helmey, Commercial/Charter Fishing
Joe Kimmel, Chair, NOAA Fisheries SERO
Will Berson, Georgia Conservation
Clark Alexander, Non-living Resources Research
Henry Ansley, GA DNR Coastal Resources Division
Leslie Sautter, University Education
Dorset Hurley, Sapelo Island NEER
Tim Tarver, Sport Fishing
Doug Lewis, GA DNR Law Enforcement
Ralph Neely, Sport Diving
LTJG Laura Swift, U.S. Coast Guard
GM1 Michael Cash, U.S. Coast Guard

Advisory Council Members Absent

Venetia Butler, K-12 Education
Christi Lambert, Regional Conservation

GRNMS and NMSP Staff Present:

Greg McFall, Acting Manager and Research Coordinator
Cathy Sakas, Education Coordinator and Co-Acting Manager
Becky Shortland, Stewardship Coordinator
Gail Krueger, Outreach Coordinator
Sarah Fangman, SE & GOM Region, NMSP
Bill Kiene, Superintendent, Fagatele Bay NMS

NOAA Staff Present:

Al Samuels, NOAA Office for Law Enforcement

Welcome, Introductions, Advisory Council Business

Gray's Reef NMS Advisory Council Chair Dr. Joe Kimmel opened the meeting, welcomed everyone and asked for introductions. He quickly reviewed the agenda and asked for approval. All present approved the agenda as proposed. Dr. Kimmel then asked for any

changes to the minutes of the October 2006 Sanctuary Advisory Council meeting. Danny Gleason asked for a minor change regarding a paper he submitted describing the sponge community of Gray's Reef. The minutes were corrected and then approved unanimously.

Becky Shortland announced that members Will Berson, Leslie Sautter and Danny Gleason were reappointed to serve another three-year term on the Advisory Council. Officer (chair, vice-chair and secretary) terms expire soon and it was suggested that elections be held at the next (April) meeting. Members agreed.

The annual national advisory council chairs and coordinators meeting is planned for the week of May 7 in Newport News, VA and hosted by Monitor National Marine Sanctuary. Budget considerations are being reviewed to determine if the meeting will proceed. If so, a regional case study will be discussed at the April meeting of the Advisory Council.

Sanctuary Program Updates

Status of Sanctuary Management – Greg McFall reminded members that the Sanctuary Superintendent position was announced on December 20, closing on January 26. NMSP hopes to conduct interviews within three weeks of the closing date here at the Gray's Reef office. Only the top three candidates will be interviewed by a committee.

Joe Kimmel reminded members that during the October meeting, concern was raised during a closed session with regard to how the process would be handled for filling the position. Joe informed the group that NOAA has a well-established process for hiring that requires interview/selection from applicants meeting specific criteria posted during the open period of application. Joe relayed the message to Regional Director Billy Causey that the SAC had no demand to be involved in the process. NMSP leadership, however, has asked Joe to participate on the selection committee along with Dave Score, Billy Causey, Reed Bohne and Dan Basta.

Status of Program Funding and Grants - Cathy Sakas explained to members that the government is functioning under a Continuing Resolution through the end of this fiscal year (October 1, 2007). This means that the budget for Gray's Reef will somewhat mimic the 2006 budget, but may have more cuts. In order to address the lower budget, staff are seeking ways to implement programs through partnerships and possible grants. One such grant program is the NOAA Marine Debris Program which offers internal funding for marine debris programs. A proposal has been submitted to continue Matt Kendall's (NOAA NCCOS) survey work at Gray's Reef and to support outreach efforts preventing disposal of debris at the sanctuary. In the future, more programs may need to be funded through grants and partnerships.

Cathy was asked how funds collected by the National Marine Sanctuary Foundation are allocated. Cathy responded that funds raised by/for Gray's Reef go to Gray's Reef projects, but that the Foundation takes a 10% fee. She noted that funds acquired through the 25th Anniversary Gala have not yet been determined.

Cathy Sakas was further asked how a donor would give to the Foundation for Gray's Reef. Cathy responded that the donor would contact the Foundation. She also noted that the Foundation also does fundraising. Cathy was then asked how the sanctuary taps into the Foundation's general funds. Cathy noted that Gray's Reef can compete for funds and that grant funds are outside the regular budget. Cathy was then asked if, to justify

the Gray's Reef budget, the site had performance standards. She responded that there are measures, both standard across the program and ones that are specific to the site.

New Regulations and Outreach – Becky Shortland announced that the new regulations will become effective on February 16, 2007. Although the management plan was released in July and the Final Rule was published in the *Federal Register* October 12, Congressional and other reviews are required; with changes in Congress, the effective date was delayed. She noted that no changes have resulted from the reviews; the regulations are the same: no anchoring, switching to a list of approved (allowable) gear instead of prohibited gear – rod and reel, handline, and spearfishing gear without powerheads.

Gail Krueger outlined the new products Gray's Reef will roll out to educate people about the new regulations. Among the products will be a black and white ad in the state fishing regulations book. She thanked Doug Lewis and Henry Ansley for assisting with that. There will also be a poster, brochure, rack card, and radio messages all of which will refer people to the website for more details. The Advisory Council suggested staff pursue having the regulations ad in the table of contents for the state fishing regulations book.

Will Berson reminded everyone that many coastal development permits require education components on coastal and marine resources and that Gray's Reef should be working with Georgia DNR to add information about the sanctuary.

Judy Helmey asked what users might expect if they were cited for breaking the regulations. Greg McFall noted that there will be a "soft start" or grace period once the regulations are effective to give users time to learn about the changes. NOAA Agent Al Samuels emphasized that there is a federal 800 number for reporting violators and that once the grace period is over; penalties are based on the circumstances of the violation and history of the boat/owner. Judy asked what the potential fines and penalties could be. Al Samuels replied that consequences can be significant. The maximum civil penalty for each violation of the National Marine Sanctuaries Act is around \$119,000 - \$125,000. In addition, each day of a continuing violation is considered a separate violation. Criminal punishment can result in up to six months in jail, with a maximum criminal fine of about \$5,000 per violation. (A penalty schedule is available on request.)

Members noted that this information is important to spread among users in order to discourage illegal activities. It was also recommended that staff get the regulations out to tournaments for participants (captain's bags) and that getting the 800 number out to users may help with self-policing.

Becky Shortland noted that Gray's Reef staff are planning to host a law enforcement summit in the next few months to focus on the new regulations. The intent is to have attorneys from National Ocean Service and NOAA Office for Law Enforcement, NOAA agent, U.S. Coast Guard and GA Department of Natural Resources law enforcement. Please let us know if you have ideas about that summit.

Magnuson-Stevens Act reauthorization – Joe Kimmel gave a presentation on the recently reauthorized Magnuson-Stevens Fishery Conservation and Management Act. (PowerPoint slides are available on request.) He noted that the bill had not yet been

signed by the President, but is expected to be signed soon and reviewed by General Council to fully understand the content and intent.

He explained that there are several provisions of note, including the following:

- By 2010 each Regional Fisheries Management Council or the Secretary of Commerce must specify annual catch limits that end and prevent overfishing for those FMP fisheries that are undergoing overfishing.
- By 2011 catch limits for other FMP fisheries must be established.
- Regional Fishery Councils must prepare and implement actions that eliminate overfishing within 2 years of notification of overfished fisheries.
- NOAA Fisheries via conservation of target and non-target species and habitats conservation will support ecosystem based management of fisheries resources.
- Deep sea coral research and technology program will be initiated and designed to gather more information for this resource.
- A by-catch reduction engineering program is established to develop technologies to minimize bycatch in federally managed fisheries.
- No-take area closures are required to be based on the best scientific information available and include criteria to be used in assessing their conservation benefit.
- The recreational fishery data program will implement a regionally based registry program for recreational fishermen and establish a program to improve the quality of information generated by the Marine Recreational Fisheries Statistics Survey by January 2009.

Becky Shortland reminded staff of the developing protocols between NMSP and NOAA Fisheries on the process to regulate fish in sanctuaries. Members were given a presentation in April 2006 by Joe Kimmel and Regional Director Billy Causey. With reauthorization of the MSFCMA, there may be a push to finalize the protocols in the near future.

Research Area Process – Greg McFall reminded Advisory Council members that the next step in the process to further explore the concept of a marine research area in Gray's Reef is scoping the issues publicly. He noted that funding has been budgeted for this year, but that he is uncertain where that funding stands with the Continuing Resolution. He also believes there is a need for scientific studies to take place. Greg is suggesting a meeting with NMSP and site staff before moving forward.

Working Group Updates

Research Advisory Panel - Greg McFall announced that the first meeting of the Research Advisory Panel (working group) was held in November and that the first activity tackled by the group was the Gray's Reef Condition Report. All sanctuaries are addressing a set of 17 questions that evaluate the state of their resources. He noted that the meeting was very productive and generated a lot of information about the status of resources and pressures on resources of the sanctuary. He hopes edits will be wrapped into the Condition Report and the document will be finalized soon.

Clark Alexander and Danny Gleason co-chair the panel; Greg asked them for additional comments. Clark Alexander mentioned that each question had to be lumped into a category that was very strictly defined, which was frustrating and sometimes didn't best apply for GRNMS in the opinion of the experts present. Danny Gleason mentioned that he was concerned that the interpretation by the public will be that everything is "ok" at the sanctuary, when we know there are huge problems. Bill Kiene mentioned that he

thought these initial reports will be more difficult because there is often no baseline data to compare for trends. Danny said that it went against everything he has learned as a scientist; that it was the most difficult thing he's done. Staff and members commented that they are concerned the public will only see the colors and not the text.

Bill Kiene mentioned that climate change was added to the Fagatele Bay draft condition report, which led Danny Gleason to ask why climate change had to be removed from the Gray's Reef draft report. Bill emphasized that overall developing the condition report is a good exercise for identifying what information needs exist. Danny suggested that it may be better to have a "baseline" report at this point for Gray's Reef rather than a status and trends report.

Education/Outreach Working Group – Cathy Sakas reported that progress on the Ocean Science Course is continuing. Leslie Sautter's class will help with ocean floor topography and Armstrong Atlantic State University has offered to publish and distribute the course. In the meantime, a retired teacher – Hal Jenkins – has volunteered a significant amount of time reviewing course materials. Cathy also mentioned that Hal has been instrumental in helping with ROV workshops.

Members asked when the Ocean Science Course will be ready, knowing that it has been in the works for many years. Cathy responded that it will be completed in a couple of months. Leslie Sautter asked what resources are needed to host an ROV workshop. Cathy responded that it is very little, but materials can total approximately \$1000.

Personnel

Greg McFall took this time to announce that Jim Sullivan will be leaving Gray's Reef for NMSP headquarters office in Silver Spring, MD. He has resigned his position and was sworn in as a new Federal employee. Greg also noted that it is doubtful the position – regional projects coordinator – will continue.

Lunch

National Programs

Superintendent Bill Kiene presented an introduction to Fagatele Bay National Marine Sanctuary (FBNMS). (PowerPoint slides are available on request.) The site is preparing to begin their management plan review (MPR) process. Bill mentioned that he is learning a great deal about the role of advisory councils from his visit at Gray's Reef and through the meeting and how to best direct that council involvement. Highlights of the presentation included:

- American Samoa is in the middle of the South Pacific, closer to Australia than Hawaii, and has a unique Polynesian culture.
- 60,000 people live in American Samoa generally in a ribbon around the coast due to steep cliffs in the interior; only Samoans can own land.
- Tourism is in its infancy there; family landowners must grant permission to access the beaches.
- During WWII, the U.S. Navy wanted Samoa for a coaling station because it had a deep, protected harbor.
- Samoans are very patriotic; there are more Samoans per capita fighting in Iraq than any other state.

- NOAA has conducted extensive multibeam mapping around the island; data suggests that this was an atoll.
- Fagatele Bay was a volcanic crater; the bay is very isolated and difficult to access; they are attempting to develop a nature trail to and near the sanctuary.
- Hopes to engage the local villages and raise awareness of the sanctuary.
- FBNMS was proposed originally in 1982 by the Governor of American Samoa and designated in 1986.
- Among the issues in FBNMS is possible overfishing; there was a spearfishing problem a few years ago.

Bill Kiene noted that he sees Gray's Reef and Fagatele Bay as two ends of the sanctuary system spectrum, but that there are connections between the sites. Bill would like to engage a broader Samoan community on his Advisory Council; he wants them to feel like they have a role in determining what is going to happen with their sanctuary. Bill was asked whether fishing constituencies are well represented on the FBNMS Advisory Council. He responded that tuna canneries are the large (non-government) employers. They are fishing in pelagic waters. The main commercial fishing technique is spearfishing and occasionally explosives. Many fishermen don't know where the sanctuary is.

Gray's Reef Advisory Council members proceeded to provide perspectives on the management plan process. They emphasized that it is important to try to avoid having the process coincide with other management measures being considered so that they aren't inadvertently confused. Also, it is important to give people more information to comment on, as opposed to a blank slate when getting people to agree on the issues that the group is trying to resolve. Also, regulations need to be enforceable! Keep constituencies informed!!!

Public Comment

NOAA Agent Al Samuels asked the Gray's Reef Sanctuary Advisory Council to consider establishing a law enforcement working group.

National Programs, continued

NAPA Report to NMSP – Becky Shortland apprised members of the National Academy of Public Administration's (NAPA) report on the NMSP – *Ready to Perform? Planning and Management at the National Marine Sanctuary Program*. A copy of the executive summary and highlights were provided to members, along with the NMSP responses to NAPA's recommendations. Becky pointed out the recommendation for continued public involvement, and civic partnerships in NMSP activities. Becky also noted the positive results from a survey conducted last year on Advisory Council effectiveness and experiences on a national level. She solicited additional input on how to improve these operations and how to get more public involved in the meetings.

Members replied that when there is a perception of management actions that will alter activities, the public is interested and will participate in meetings. Also, staff and Advisory Council members are doing a better job of getting the word out, so people don't feel the need to appear at the meetings. In addition, staff are going to group meetings (e.g., SCUBA clubs) and the word is getting out that way.

Other ideas included:

- continue to move meetings around the region and inland;
- consider Advisory Council going to the sanctuary and using ROV;
- plan meetings concurrent with an event or attraction that might draw people;
- host training for Advisory Council members on topics such as conflict management; which might be useful prior to the research area process

End Notes

Next Meeting - Doug Lewis offered to help locate a meeting space in Jesup, Georgia for the April quarterly meeting. Becky will propose some dates by email for April and also July.

Constituent reports

Joe Kimmel spoke about the South Atlantic Fishery Management Council's (SAFMC) Snapper/Grouper Amendment 13C, which implemented management measures to end overfishing of certain species. He noted that there is strong controversy surrounding the measures. Snapper/Grouper Amendment 14 proposes marine protected areas with restricted fishing; this is still in the review process but action is anticipated this year. Snapper/Grouper Amendment 15 is a follow up to 13C and will implement rebuilding plans for the species categorized as overfished. It is in draft form now with a plan for public hearings in June of this year or later. Snapper/Grouper Amendment 16 concerns limited access systems and Mackerel Amendment 18 adjusts the total allowable catch (TAC) for Atlantic king and Spanish mackerel, in order to achieve optimum yield.

Dorset Hurley noted that the Sapelo Island NERR management plan has been submitted to headquarters for approval. He also mentioned that the NERR has sponsored two Coastal Training Program workshops recently. Research and monitoring is focusing on non-native species and that he is working on a 50 year management plan for state properties.

Tim Tarver announced that Coastal Conservation Association of Georgia has two new chapters in Atlanta; there has been a 40% increase in membership this year. He also noted the great turnout for the redfish tournament.

Henry Ansley talked about the idea of stocking redfish in Georgia, which has been tested in this area. Issues in the upcoming legislative session may include shrimp management and bow fishing, which is classified as spearfishing.

Danny Gleason mentioned that he is participating in a workshop on adaptive strategies for marine organisms in marine protected areas under global climate change, which is being organized by NMSP Southeast Region's Brian Keller. He also participated in a conference call with EPA Region IV who are giving seed money to start looking at possible connections between what happens inland/upland and the sanctuary. He emphasized this example of two government agencies leveraging each other's resources.

Ralph Neely said he is working to get a Georgia dive flag in Dive Training Magazine. He also noted that there is a new dive club in Hazlehurst, Georgia. He wants to get information to them about Gray's Reef.

Doug Lewis mentioned that hunting season is over, so state law enforcement officials are getting back on the water although they are down to just 25 officers. Two new officers are just moving to Savannah after training. He also told members that a right whale was spotted in the Brunswick shipping channel and that they were able to notify the harbor master.

Clark Alexander updated members on proposals to build wind farms offshore. There is a three-year wait for turbines due to the cost of copper. In addition, the permitting process is not yet in place. It was also mentioned that new home development in the Brunswick area may increase sanctuary visitation. He also hopes to finish sanctuary mapping this year on the NOAA Ship.

Judy Helmey reminded members that she sends out weekly reports to those who are interested. She has also scheduled several inshore and offshore schools and will bring materials on the sanctuary and GA DNR to inform the fishermen.

Laura Swift mentioned that the USCG training center works with approximately 400 students on fishing regulations during their boarding officer course and a manager's course for USCG command personnel. There is also an aviation course on fishing vessel identification from the air. The USCG goal is to have two people trained in fisheries at each unit. She emphasized that they are soliciting training opportunities for their staff that can transfer to their trainees. Fish and invertebrate identification was suggested.

The meeting was adjourned at 4:00 p.m.