

Gray's Reef National Marine Sanctuary
Sanctuary Advisory Council Meeting
January 31, 2008, 3:00 - 8:00 p.m.
UGA Bamboo Farm and Coastal Gardens
Savannah, Georgia

Distributed Materials

- Meeting Agenda
- Advisory Council Meeting Summary September 2007 (email)

Advisory Council Members Present

Joe Kimmel, Chair, NOAA Fisheries SERO
Clark Alexander, Vice-chair, Non-living Resources Research
Venetia Butler, Secretary, K-12 Education
Spud Woodward, GA DNR Coastal Resources Division
Dorset Hurley, Sapelo Island NEER
Doug Lewis, GA DNR Law Enforcement
Christi Lambert, Regional Conservation
Will Berson, Georgia Conservation
Tim Tarver, Sport Fishing
LT Charlie Gris, U.S. Coast Guard
Danny Gleason, Living Resources Research
Judy Helmey, Commercial/Charter Fishing
Ralph Neely, Sport Diving

Advisory Council Members Absent

Leslie Sautter, University Education

GRNMS and NOAA Staff Present:

George Sedberry, GRNMS Superintendent
Greg McFall, GRNMS Research Coordinator
Becky Shortland, GRNMS Stewardship Coordinator
Gail Krueger, GRNMS Outreach Coordinator
Karen Raine, NOAA GCEL
Rod Ehler, NMSP Economist
Bob Leeworthy, NMSP Chief Economist
Matt Kendall, NOAA Biogeography Team
Sarah Fangman, NMSP/SEGoM Region
Al Samuels, NOAA LE

Public Present

Per sign in sheet

Welcome, Introductions, Advisory Council Business

Gray's Reef NMS Advisory Council Chair Dr. Joe Kimmel opened the meeting, welcomed everyone and asked for introductions. The agenda was reviewed and approved. The September 2007 meeting summary, which had been distributed electronically, was also approved.

Becky Shortland suggested that the next meeting of the Advisory Council be held in April 2008, possibly at the Richmond Hill Stevens Wetlands Center in order to make the

meeting accessible to the public again by locating near I-95 and during hours (3-8:00 p.m.) when constituents can attend. She will request input on dates through email.

Dr. Kimmel asked for any discussion on the proposed new Sanctuary Advisory Council Charter, which was also sent electronically prior to the meeting. There was no discussion and the Charter was approved.

National Advisory Council Chairs/Coordinators meeting – Joe Kimmel asked if members had any input on the proposed agenda for chairs meeting, which will be held in Newport News, Virginia in May. No general agenda suggestions were made, but members did suggest the Gray's Reef research area or the spearfishing issue as a possible regional case study topic.

"Greening" of the National Marine Sanctuary Program – Joe Kimmel read from the letter he received from Office of National Marine Sanctuary (ONMS) Director Dan Basta to the Advisory Councils on the topic and solicited input on ideas for "greening". Venetia Butler suggested that the GRNMS SAC and GRNMS are already engaged in "greening" and that perhaps we need to make a list of the things we're doing. It was also mentioned that an ONMS Climate Summit will be held in San Francisco in April and that perhaps GRNMS SAC should wait until after the summit to hear what comes out of that meeting. Tim Tarver mentioned that his company has considered a variety of energy projects, but being on a small scale makes it very difficult. Most people are in the dark in terms of what is available so putting out some information might be useful. Will Berson suggested that maybe the GRNMS office staff could look at its own carbon footprint (e.g., how the office is operating itself, encouraging telecommuting, or for having teleconference for a SAC meeting instead of everyone traveling.) Danny Gleason also suggested ideas like low flow toilets and also mentioned that a College of Sustainability is being established at Georgia Southern University (GSU). Perhaps a relationship with that college and GRNMS could be considered. Will Berson asked if the research vessels run on biofuels. Greg McFall responded that they can be and we're looking into biofuels. GRNMS will definitely replace the existing vessel engines with more efficient engines when they end their useful life (or if funding is available earlier). Becky Shortland forwarded a suggestion from Reed Bohne that we might start with a small Skidaway Institute of Oceanography (SkIO) campus-wide program, since we do not own our office space but lease it from SkIO. Clark Alexander noted that SkIO has had the same experience as Tim; they can't get anyone to call them back on small projects. Danny Gleason then gave a wonderful example of how interested graduate students at GSU figured out that the soda machines on campus run all the time, and \$40K could be saved if they put thermostats on all the machines. Dorset Hurley that because Gray's Reef serves as a sentinel site for other areas in the region the sanctuary could develop a monitoring program designed to indicate changes in the ecosystem from such impacts as invasive species or climate change focusing on biological integrity and sentinel monitoring. Joe Kimmel noted that if you leave your cell phone charger plugged in, it absorbs energy; so if you aren't using it, unplug it. Christi Lambert suggested thinking regionally such as an effort to explore alternatives to shoreline armoring to help protect the shoreline and abate the effects of armoring. Ralph Neely asked if there are any studies about the impacts of golf courses and runoff from those areas. Clark Alexander pointed out that South Carolina has been more proactive than Georgia in the arena of golf courses. There is a pragmatic realization that golf courses are wasting by over fertilizing, etc. so they are trying to be less wasteful. Christi Lambert asked if there is a role for GRNMS, from an outreach standpoint, to provide that type of information. Greg

McFall mentioned that a proposal has been submitted to try to look at the Altamaha River outflow's impact on GRNMS. In conclusion, the topic will be raised again after results from the San Francisco climate summit are received.

Working Group Reports

Law Enforcement Working Group – Sgt. Doug Lewis reported that so far this year 24 trips were made to GRNMS with 377 man hours (not all of which were charged to GRNMS). GADNR has 55.5 hours left in this year's Joint Enforcement Agreement supported by the sanctuary. Officers checked 41 vessels; 3 warnings were written with 1 warning written for undersize black sea bass. Two right whales were seen near GRNMS. Doug emphasized that they still haven't heard anything on the request for Federal IDs.

Some Federal citations have been issued including one to do with a Turtle Excluder Device (TED) and another for someone that had put netting into their bycatch reduction device. NOAA Office for Enforcement and Litigation has the cases.

Doug noted that the hours are calculated on water from dock to dock and that officers try to spend a minimum 4 to 5 hours in Gray's Reef. Ralph Neely asked if they track what activities the boats are involved in. Doug replied that they keep track of boarding on boarding forms and they include what people are fishing for, etc. This gets completed for every boat that gets checked. They check all the boats they can check while they are there. Dorset Hurley expressed concern that some elected officials in certain areas may not be following through to enhance enforcement. Becky Shortland mentioned that another law enforcement meeting (summit) is being planned for late June. Spud Woodward noted that there was some question about whether deploying an anchor to hold a marker buoy is or is not prohibited. This is a loophole that needs to be addressed; dropping marker floats go on the ledge structure. Becky Shortland explained that marker buoys were considered to be related to the discharge regulation, which states that items that are deployed and subsequently retrieved the same day, such as fishing line and small marker buoys, are not considered "deposited" in the sanctuary. The only materials that can be deposited in the sanctuary are fish parts, bait and chumming materials, effluent from marine sanitation devices, and vessel cooling water (see page 65 of the GRNMS Final Management Plan/Final EIS). GRNMS did not think that was causing a problem, but it will clearly need to be revisited. Spud reiterated that people use weights that are large and typically they do retrieve them. Matt Kendall noted that some of these are found on the bottom with broken lines.

LT Charlie Gris reported that Sector Charleston doesn't currently target GRNMS but that cutters *Yellowfin* and *Tarpon* transit through and to date neither captain reports any violation. He also noted that they may start doing more regular aerial patrols over GRNMS during training exercises. They would fly over GRNMS instead of just over any body of water and would report any questionable activities to base.

The issue of marking boundaries was briefly discussed and law enforcement personnel suggested participation in these discussions for the research area. LT Gris noted that "height of eye" needs to be considered – meaning that you need to be able to see them from a small platform.

Research Advisory Panel (RAP) Report - Research Coordinator Greg McFall reported that a "hybrid" of the RAP and the Research Area Working Group (RAWG) met in

December to develop a research and monitoring plan for a potential research area. Greg also reported that the GRNMS Condition Report - developed with substantial support of the RAP beginning in November 2006 – is progressing toward completion after 3 external reviewers provided comment. Christi Lambert asked if the monitoring plan for the research area responds to the condition report. Greg answered that they overlap.

Research Area Working Group – Superintendent George Sedberry gave a background presentation on the research area concept. There were no questions or comments from the SAC or public in attendance. Matt Kendall of the NOAA Biogeography Team then gave a presentation summarizing the process and products from the October 07 RAWG meeting where several boundary scenarios were developed for public review in scoping.

Tim Tarver asked about a new boundary idea: start at the southern boundary and go up until all the criteria are met. Matt responded that it was not considered because of the “edge effect” that is undesirable from a scientific standpoint. Tim explained that it looks like a larger area overall that way and may be more satisfactory to the user groups. Matt agreed to work with the idea and see what such an area would be like. The question arose about boat data sources. Matt Kendall explained that it comes from aerial imagery, law enforcement and GRNMS on-water boat counts. He explained further that the data is from 1997 to the present and is updated continually. He emphasized that the boat locations don’t change much; they are pretty consistent.

A participant asked if it was necessary to have such a large area or would a 1x1 km area work. Matt Kendall responded that the group did consider smaller areas early in the process, but it’s just too small to be scientifically useful. If it’s too small it won’t work because fish may be moving in a bigger area over the course of their day. If we went any smaller, we couldn’t meet the criteria of 30 ledges. He went on to emphasize that the sanctuary is not just concerned about the fish that people fish for, but also some of the smaller fish that will in fact stay inside the area we’re talking about. The bigger fish may indeed go elsewhere. Tag recapture studies have shown that black sea bass stay in 1-2km areas.

Staff Economist Rod Ehler then gave a presentation on the preliminary economic analysis of the impacts using the 5 scenarios to date (see presentation).

Chief Economist Bob Leeworthy also explained that they went back to the Florida Keys NMS after five years of Tortugas Ecological Reserve designation. The studies show that there is no economic impact from designation of the reserve. A participant responded that this is different from the Tortugas; this is the only fishing spot that is available to small boat fishermen on bad weather days.

Another question was asked about whether anyone has done any research on the impact to commercial fishing. Rod Ehler responded that he did not have that information but could look. Bob Leeworthy responded that log books could be used if the fishery has a logbook requirement and if the fishermen cooperate, but that commercial fishermen don’t fish at GRNMS to our knowledge. Another participant commented that he knew commercial fishermen were using powerheads at GRNMS.

Danny Gleason said he wanted to make sure of his understanding that Gray’s Reef accounts for very little of Georgia saltwater fishing activities. Rod Ehler responded yes. Spud Woodward noted that you have to consider this in the context of offshore vs.

nearshore and inshore fishing. GRNMS has a much larger percentage of offshore fishing.

Danny Gleason said he did not think the analysis takes into account spillover of fish from a more protected area. Rod Ehler noted that indeed people will fish the edges and have a higher catch per unit effort.

Becky Shortland then reviewed the next steps and timeline. Scoping is expected to begin in the next couple of months. A draft Environmental Impact Statement with a formal proposal would not likely be completed until the end of the year.

Spearfishing Reassessment

George Sedberry introduced the sanctuary's reassessment of spearfishing activities with some background information including the concerns about spearfishing. Rod Ehler then followed with a presentation on the survey he conducted to determine economic impacts of spearfishing in the sanctuary.

Discussion began with questions, such as:

If no one is going out there, how are they having an impact?

Are these charter operators – not private?

If only one percent fishing is spearfishing in GR, why is that being looked at for prohibiting?

Is spearfishing any more invasive than hook and line fishing?

George Sedberry responded that there are more people moving to the coast so there could be more fishing in Gray's Reef. We're concerned that in the future it's going to have greater and greater impact. So we're trying to manage that.

Some Advisory Council members and public present continued that they think there is more increase in hook and line fishing than in spearfishing and that perhaps all fishing should be prohibited, not just spearfishing and that spearfishermen are selective of the fish they catch but hook and line fishermen are not. George Sedberry stated that there is some information on mortality on catch and release but part of the concern is the ability of spearfishermen to select the biggest fish. Joe Kimmel noted that the largest fish are taken by spearing and that the largest females can be the most productive. He emphasized that this is a "national marine sanctuary" so management should be more protective and precautionary than in the areas outside.

The comment was made that maybe GRNMS should find out how many people are diving there and how many are spearfishing. Another comment was that GRNMS should consider the amount of spearfishing that might be going on there in comparison to the percent of how much of the gag catch for example is taken by hook and line.

Rod Ehler replied that we have little information on that and to get that information is almost impossible given the costs and resources required. He said it is very difficult to do that because it's hard to find a spearfisherman that's out there taking fish. GRNMS can wait five more years and the sanctuary won't have any more information than they have now – no one is going to want to pay the amount that's needed to get this information.

Joe Kimmel replied that there are always fewer spearfishers than hook and line and that there is no argument that more fish are taken by hook and line, but more overall fish biomass is taken by spearfishing. He continued that Gray's Reef took a precautionary approach in banning many types of fishing gear that can have a serious impact on the resources, but the one group they didn't ban immediately was spearfishing in order to get more information on the economic impacts that we heard today. He continued that if you have a no-take area, over time you'll see larger fish and a more diverse ecosystem.

It was also stated that if you put one very good spearfisherman in there, it's easy for him to have a significant effect and that spearfishing is an activity that a sanctuary manager would not want to allow if he's trying to keep that area special.

George Sedberry reminded participants that there are plenty of areas where you can spearfish as we saw in Rod Ehler's report. One participant asked the spearfishermen present if it is too much to ask that there is one small area where spearfishing isn't allowed? A spearfisherman responded that he does not spearfish in Gray's, but that he is speaking for others who might want to fish there.

Another question was asked by public present about why is it all about the snapper/grouper take? Joe Kimmel replied that they help maintain the ecosystem in terms of composition and species diversity; it's important to keep that structure in a marine sanctuary; this is a place that is for the entire nation and not *just* for Georgia fishermen. It belongs to people in Ohio as much as it belongs to people in Georgia. It's the same thing with national parks. There are many biological reasons to want to protect the organisms in Gray's Reef. Matt Kendall added that researchers see a different community composition on ledges without large grouper (more black sea bass) and that recent fish surveys indicate that perhaps as few as 50 ledges at Gray's Reef may harbor large groupers.

One spearfisherman commented that he didn't see how any activity, whether spearfishing or hook and line fishing, is going to impact anything, and that his experience is the big fish stay away from you when you're spearfishing and fish move around. He also asked what the timeframe was to make a regulation. Joe Kimmel responded that it can take many months to years. The commenter then asked that GRNMS try to get more information on spearfishing activity so we can learn more about the potential impact.

Clark Alexander reminded everyone of the difficulties encountered by law enforcement officers trying to enforce the powerhead prohibition if other spearfishing is allowed. Tim Tarver asked whether officers can just tell who is using powerheads looking at the fish in the cooler. Sgt. Doug Lewis responded that they cannot prosecute based on that.

One spearfisherman suggested that in that case why don't we try to ban powerheads in all of Georgia?

Will Berson stated that he thought it appropriate that spearfishermen and hook and line fishermen be treated differently. Spearfishermen can select the larger fish which are more reproductively important. If you accept that then spearfishing has a bigger impact on the fishing.

Several spearfishermen responded that it is not always true that they catch the biggest fish – those are the smart fish – they can break your line, they can take your bait. Will Berson noted that a hook and line fisherman cannot “aim” his hook. A spearfisherman replied that they don’t just have their pick – it’s not like that. Out of ten fish a hook and line fisherman catches, how many die? We don’t take that many. The ones we take, we take. He continued the point of hook and line fishing impacts pointing out that of the debris found on the bottom most is probably from hook and line fishing; most of the boats are fishing so how much damage are they doing with their downriggers and marker buoys? We need to be treated fairly. If you’re going to cut out spearfishing cut all fishing out – make it a no take zone.

Joe Kimmel then asked members of the Advisory Council what their advice would be to GRNMS staff: wait, and collect more information, or do we use a precautionary approach and do something? Tim Tarver responded that he thought it would be best to take one thing at a time, unless there is a problem. I think we should deal with the research area, and not let the spearfishing impact that process.

Clark Alexander made a motion that GRNMS should move forward with developing a draft environmental assessment (DEA) related to spearfishing in the sanctuary. Will Berson second the motion. In discussion, Spud Woodward asked what developing an DEA would mean. Joe Kimmel explained the process after which he asked the Advisory Council to vote on the motion. The vote was 7 in favor of developing the DEA and 3 opposed.

Public Comment

Capt. David Newlin: Some of the comments that have been made here tonight got my blood boiling. Folks on the coast of Georgia should have more to say about it than someone in California. Some of y’all have been drawing a federal paycheck too long. If a northeast wind blows I have one choice of places to go. I’d like to see you lose 10% of your income. I don’t feel like fishermen are damaging the reef. This isn’t Florida, where you have lots of choices of places to go. I don’t think you need to close GR – it’s not having an impact. The guys kingfish trolling aren’t touching the bottom. I do more bottom fishing than I do trolling. If you close that area, you aren’t going to be able to move in the area around it. You’ll concentrate impact. For safety sake we need to keep Gray’s Reef open.

Spearfisherman: What can we as spearfishermen and scuba divers do in this assessment to help gather data and to help the Sanctuary Advisory Council come to some conclusions? Greg McFall responded that GRNMS is criticized for not having enough data, but users are unwilling to tell us what they’re doing in the sanctuary; how can you get us this data?

Matt Kendall noted at this point that he had worked up the scenario suggested by Tim Tarver earlier in the meeting and that it equals 23 sq km (2.5 km by 9 km) and encompassed less than 10% of the boats counted. Ledges include 31 short, 52 medium and 38 tall; 51 of all ledge types are outside and the area includes all bottom types.

Meeting adjourned