

Gray's Reef National Marine Sanctuary Advisory Council
Meeting, July 25, 2006
Holton's Restaurant, Midway, Georgia

Distributed Materials

- Meeting agenda
- April 2006 Sanctuary Advisory Council Meeting Summary
- GRNMS Final Management Plan/Final EIS
- Draft and Final Plans at a Glance
- Recommendations on GRNMS Marine Research Area Concept
- NMSP Sanctuary Advisory Council Annual Report
- NMSP Sanctuary Advisory Council Directory
- NMSP Sanctuary Advisory Council Implementation Handbook

Advisory Council Members Present

Tim Tarver, Sport Fishing
Danny Gleason, Living Resources Research
Doug Lewis, GADNR Law Enforcement
Christi Lambert, Regional Conservation
Henry Ansley, GA DNR Coastal Resources Division
Joe Kimmel, Chair, NOAA Fisheries Service
Will Berson, Local Conservation
Venetia Butler, Secretary, K-12 Education
Leslie Sautter, Vice-Chair, University Education
Dorset Hurley, Sapelo Island NERR
LT Chad Brick, US Coast Guard

Advisory Council Members Absent

Clark Alexander, Non-living Resources Research
Ralph Neely, Sport Diving
Judy Helmey, Commercial/Charter Fishing

GRNMS and NMSP Staff Present:

Cathy Sakas, Education Coordinator and Co-Acting Manager
Greg McFall, Research Coordinator and Co-Acting Manager
Becky Shortland, Advisory Council and Stewardship Coordinator
Debbie Meeks, Administrative Coordinator
Kersey Sturdivant, NOAA EPP Intern
Scott Fowler, Vessel Captain
Gail Krueger, Outreach and Communications Coordinator
Sarah Fangman, Regional Research
Jim Sullivan, Regional Projects Coordinator

Other 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 April Sanctuary Advisory Council meeting. No changes were requested and the minutes were approved. Becky Shortland then reminded members that three Advisory Council seats will expire at the end of the year; she will be advertising for the Georgia conservation, living resources research, and university education seats later this year. All current members are eligible to reapply. Becky also noted that NMSA policy now mandates that each Advisory Council employ a review panel in selecting members.

Joe Kimmel reported that since the last meeting he attended the Annual Sanctuary Advisory Council Chair's meeting in Washington D.C. He reported that it was very beneficial and that he learned about other sites' issues and about the interactions amongst the different players. The group discussed the relationship between National Marine Sanctuary Program and NOAA Fisheries Service among other items.

Final Management Plan/Final Environmental Impact Statement

Acting Co-Manager Cathy Sakas welcomed everyone, thanking them for engaging in the process, and introduced the presentation on the Gray's Reef NMS Final Management Plan/Final Environmental Impact Statement (FMP/FEIS). Stewardship Coordinator Becky Shortland then gave a brief overview of the development of the plan since 1999 (see attached).

Acting Co-Manager Greg McFall asked Advisory Council members and others present to refer to the handout on new regulations and the marine research area concept (see attached). He explained that anchoring would be prohibited and allowable fishing gear will be restricted to rod and reel, handline gear, and spearfishing gear without powerheads. He emphasized that GRNMS will be performing additional socioeconomic studies over the next two years and will then revisit the proposal to prohibit all spearfishing in the sanctuary. A user survey will be conducted to learn about how visitors are utilizing resources of the sanctuary. GRNMS is working with Savannah State University's Survey Research Center to complete this effort.

Greg was asked what method will be used to gather the data and he responded that GRNMS will not be doing surveys on the water, but through phone and other methods. He emphasized that the survey provides an opportunity for the public to provide input to the sanctuary.

Greg continued with review of the definitions for rod and reel and handline that are part of the proposed regulation in the Final Rule. There is also a definition for "stowed and not available for immediate use" in order to facilitate

enforcement. Revised regulations, which clarify and strengthen existing regulations, include:

- Adds submerged lands to the GRNMS boundary
- Prohibits constructing, placing or abandoning any structure, material or other matter on submerged lands
- Prohibits underwater explosives
- Prohibits moving, removing, damaging, etc sanctuary historical resources
- Revises permit procedures

Regarding the marine research area concept, Greg McFall explained that the recommendations (see attached) were developed by a working group of the Advisory Council, approved with some revision by the Council and proposed to NOAA GRNMS at the June 2005 meeting. NOAA GRNMS has adopted those recommendations and proposes to begin a new public process resulting in a Draft Supplemental Environmental Impact Statement on the marine research area.

Becky Shortland explained that the new regulations will not go into effect until October or November. The sanctuary has developed an outreach plan outlining how to get the word out to the public on these new regulations. The sanctuary would appreciate suggestions for additional methods to reach as broad of an audience as possible regarding these regulatory changes.

Comments on the FMP/FEIS are due August 25th. The Sanctuary is not required to respond to comments as they have done when releasing the Draft Management Plan/Draft EIS, but the agency will consider comments received in making the final decision. The Final Rule is expected to be published in the *Federal Register* in early September. The decision on the new regulations will be final at that point.

Sanctuary Advisory Council Discussion

Chair Joe Kimmel asked Advisory Council members for their comments. Henry Ansley said that he really prefers the allowable gear approach. Doug Lewis agreed as said that it makes it much simpler. Doug also suggested that we may want to consider producing a simple bulleted flyer for users or a little fold-up card they can stick in their pocket. Joe Kimmel expressed appreciation for protection for the bottom habitat by prohibiting anchoring. Leslie Sautter complimented the process for developing the management plan; that public comment was really listened to and was taken into account in the final decisions. Joe Kimmel emphasized how much the government does listen to public comment. Cathy Sakas reminded members that our first priority in management is resource protection while facilitating compatible use.

Tim Tarver asked for time to recap the feelings of the fishing public that he has heard from but are not present. He noted that when he was a child at Shellman Bluff he noticed a woman dumping garbage in the water, which concerned him. He and other fishermen are concerned about the marine debris found at the

sanctuary. He suggested that fines be increased for littering; he would like to see the Advisory Council address the issue.

He continued that he has seen a lot of changes in fish populations; he recalled seeing many trout near shore, saying you just don't see that anymore. He has seen the change from catches of coolers full of fish to just a few fish and trash fish; things seemed to bottom out in the 1980s. He believes that traditional methods to restock fish are working; conservation efforts are working now. We need to refine conservation efforts selectively; some species like sharks and alligators are increasing. Public input is a valuable resource.

He thanked everyone on the Sanctuary Advisory Council for giving their time and service. He noted that he has been a member of the Advisory Council for over a year and that he has observed that we can use statistics to say whatever we want to say, such as data he heard about on black sea bass that he questioned. Tim suggested that there is better information from people who know the area. He emphasized that GRNMS is the only bottom close enough for small boaters in this area; the best opportunity to catch prized fish.

Tim Tarver continued that fishermen were concerned about the marine research area concept. He said that first they thought a small park might be set aside; then he heard that it might include all the live bottom structure fishermen use. He heard that trolling might be allowed unless there were problems with law enforcement. He stated that he did not think the whole 2x2 area was needed. He stated that there are so many biological samples being taken, that we are all going to have to shuffle around to make room for the other interests. We need to do what is right and follow the laws, but we should not take more than we need. He suggested that a three-year study to establish a baseline is long time.

To summarize, Tim stated that both unlimited fishing and unlimited conservation won't work. He knows we need the marine research, but we need the public input to keep all the interests in perspective.

Tim Tarver was asked if there is a perception that the location of a research area has already been decided and the area designated. Tim responded that fishermen understand that no area has been designated yet and that there is discussion ongoing about where it will be. But, he said that there is nothing within 20 miles of GRNMS and that if you take away much of that, people won't bother to go 20 miles to fish what's left. When asked if fishermen feel like they are being heard by sanctuary managers, he said that fishermen feel like the government will do what ever it wants to do, but that they will come out and offer comment when there is a proposal.

Tim Tarver reported that there is no concern about the management plan. But he is worried about the research area. Everybody is in favor of the management plan.

Dorset Hurley observed that the Advisory Council's and sanctuary program's consideration of public input is reflected in the FMP/FEIS and that they have demonstrated the goal of involving the public and incorporating the comments into the process. Dorset suggested that Tim encourage his constituency (fishermen) to consider that the government has taken into account public comment in past processes and have faith that they will do so again when considering the research area.

Danny Gleason said that in the research community, people are starting to do more applied science instead of just theoretical. So the data that you need to make management decisions will be more readily available.

Tim Tarver said that he talked with very few constituents who don't want to give up anything. They are willing to give up something to find out more about the resources. They just don't want to give up the whole area.

Leslie Sautter asked Tim to please convey to his constituency that we are willing to listen and that we want to hear from them. Cathy Sakas added that we are willing to go to groups and speak with individuals or for meetings.

Public Comment

No comments offered.

Break

Action Plans – Cathy Sakas

Cathy Sakas presented background on the National Marine Sanctuary Program before giving an overview of the non-regulatory programs in the Final Management Plan. She explained that the plan also includes enforcement, research and monitoring, education & outreach, exploration, administration, and performance evaluation activities.

The Research and Monitoring Action Plan is critical for informed management of the sanctuary. Programs include characterizing and monitoring resources, such as bottom habitats, invertebrates and water quality.

The Education and Outreach Action Plan includes teacher workshops and education modules for classroom teacher on topics for which it is typically hard to obtain materials and background content. Outreach programs focus primarily on public awareness of the sanctuary with an emphasis on users. The major annual outreach event – GRNMS Ocean Film Festival – is coming up in late September with venues in Savannah, Brunswick and Tybee Island.

The Exploration Action Plan focuses on the Latitude 31-30 Program, which brings together many research, education and management organizations that work along that same latitude. The idea of the Latitude 31-30 program is to get these groups together to collaborate and seek additional funding to support

mutually beneficial programs. The Administration Action Plan strives to improve the site's infrastructure, including vessel operations.

The Performance Evaluation Action Plan is critical to the future of our programs by evaluating the benefits of programs and whether they are having their intended effects reflecting the mandates of our program.

Next Meeting

Advisory Council members agreed to meet next in Charleston, South Carolina, on Wednesday, October 25th, 2006. Becky Shortland will make those arrangements and advise members as soon as possible.

Break

Final Management Plan/Final Environmental Impact Statement

Acting Co-Manager Cathy Sakas again welcomed everyone, thanking them for engaging in this process and attending the evening session of the Sanctuary Advisory Council meeting. Becky Shortland also repeated the background information on development of the FMP/FEIS since 1999. Greg McFall asked members of the public now in attendance to refer to the handout on new regulations and the marine research area concept. He reviewed the main points of the plan including the proposed anchoring prohibition, allowable fishing gear regulation, revised regulations, and the marine research area concept as was reviewed earlier in the day.

One member of the public asked if he could be in violation of the allowable fishing gear regulation if his cast net was on the deck of his boat after using it outside the sanctuary. State and federal law enforcement officials who were also in attendance responded that would be in violation because the gear, which is not allowable, is not stowed according to the proposed definition of "stowed and not available for immediate use."

Another member of the public asked whether the marine research area would have to go through the same public process that this management plan did. GRNMS staff responded that it would involve extensive opportunity for public input and emphasized that public comment would be a significant factor in the determination and design of the area. It was also noted that a recommendation of the Research Area Working Group and the Advisory Council, after deliberation, was that the use of non-bottom impinging gear be allowed within the research area.

A question was raised as to how long researchers need to close an area to answer their questions. Advisory Council members responded by saying it depends on the questions. A follow up comment was that the length of time would affect people's support of a research area.

Joe Kimmel responded that there are research questions that can be answered quickly (over a few years) and other questions will simply generate more questions. A research area could exist for the long-term. The questioner further noted that fishermen would want to know if that area will ever come back for general use, that he supports research areas, within reason. The length of time for closure will need to be addressed. When it comes to the scoping on the research area concept, it would be helpful to have a general idea of what you are talking about in terms of timeline.

Danny Gleason provided an example of his study on species recovery in a cleared area. There is no recovery after two years.

It was emphasized by the public in attendance that the best areas for fishing would be closed – the one percent of the sanctuary that is dense live bottom. Also, he stated that the type of questions that will be asked by users should be a part of the design process and be made apparent to the public.

Leslie Sautter offered a perspective on what the working group did and the broad range of interest groups represented there; the idea was to come up with a concept for a research area that all the different constituent groups could support. She does not believe that the sanctuary is asking for the best fishing areas so they can close them, but so they can avoid them as much as possible. The working group and Advisory Council know that if the all the best areas are proposed for closure, the public would object strongly.

Becky Shortland also noted that a designated research area would be a topic in the required future five-year management plan review and could be amended in that process.

Public Comment

Tim Tarver stated that Coastal Conservation Association (CCA) of Georgia Executive Director Clay Mobley had to depart but asked him to convey CCA's support of the management plan. But, he emphasized that they would oppose arbitrary closure of public lands.

Stan Kane commented that he thanked GRNMS for doing what they do. It was noted that he loves to fish and hunt and wants his kids to enjoy that. GRNMS is one of the most important resources off the Georgia coast because it is accessible to small boaters who can access it in a day. He noted that he was involved in the public comment a few years ago, but there has been a break in contact between the sanctuary and fishermen since then. GRNMS needs to work on continuing communication. One way is through the Coastal Outdoors website Coastal Outdoors by submitting brief updates every few months to keep the public informed; it would help with rumor control. He has no opposition to any of the proposed changes in the FMP/FEIS, but was a little miffed that it hadn't been

done sooner and didn't understand what was going on. He wants to be involved in scoping meetings on the research area and get more public involved.

Greg McFall asked Stan about the best way to get information on the new regulations to the fishing community. Stan replied that Georgia Department of Natural Resources publication, websites and the weather buoy would be good ways or maybe a weather radio loop. Tide chart publications could also be useful and placing information at lift docks and marinas.

Mike Zabarac said that he supports what Stan Kane stated and that the public has a lot of questions about the resources and the research. If people were more aware of the reef, and how we might be damaging it, GRNMS might get more of a response. If there was more information on the websites, awareness can be increased. Fishing tournaments would also be a good way to inform users of the new regulations.

Another question was raised about the effects of research on other areas (e.g. the snapper banks) and whether other areas offshore could be protected. The commenter stated that he does not believe people realize the damage that is being done to the reef, such as dropping beer cans. More public knowledge would be a good thing.

The NOAA law enforcement representative emphasized that the last thing he wants to do is go out to the reef and try to catch someone with a net on the deck when other issues are more important. He told the fishermen that at the end of the day, they (the fishermen) know the reef because they are out there. They are here at the meeting because they care. He asked that they please let law enforcement know if there are people out there that are exploiting the reef and damaging the resources. Law enforcement is here for the same goals, and you can help us to know what is going on.

Another question was raised about the deployment of mooring buoys in the sanctuary. GRNMS staff responded that the decision was made not to install mooring buoys based on recommendations from the public and the Advisory Council. There have also been concerns about concentrated impacts around mooring buoys elsewhere and that they could be a hazard to navigation. Maintenance and liability are also issues.

One suggestion from the public domain was to create more artificial reefs closer to shore to take some of the traffic out of Gray's Reef.

In closing Greg McFall reiterated the different means by which people can provide input - email, phone, public comments, or through Sanctuary Advisory Council representatives.

The meeting was adjourned as the public had completed their comments.