

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

CORAL MANAGEMENT COMMITTEE

Hilton Baton Rouge Baton Rouge, Louisiana

January 30, 2023

**VOTING MEMBERS**

- Tom Frazer.....Florida
- Susan Boggs.....Alabama
- Billy Broussard.....Louisiana
- Jonathan Dugas.....Louisiana
- Bob Gill.....Florida
- Bob Shipp.....Alabama
- Andy Strelcheck.....NMFS
- C.J. Sweetman (designee for Jessica McCawley).....Florida

**NON-VOTING MEMBERS**

- Kevin Anson (designee for Scott Bannon).....Alabama
- Dale Diaz.....Mississippi
- Dave Donaldson.....GSMFC
- Phil Dyskow.....Florida
- Dakus Geeslin (designee for Robin Riechers).....Texas
- Michael McDermott.....Mississippi
- Chris Schieble (designee for Patrick Banks).....Louisiana
- Joe Spraggins.....Mississippi
- Greg Stunz.....Texas
- Troy Williamson.....Texas

**STAFF**

- Assane Diagne.....Economist
- Zeenatul Basher.....Coral and Habitat Biologist
- John Froeschke.....Deputy Director
- Beth Hager.....Administrative Officer
- Lisa Hollensead.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mary Levy.....NOAA General Counsel
- Natasha Mendez-Ferrer.....Fishery Biologist
- Emily Muehlstein.....Public Information Officer
- Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo....Administrative & Human Resources Assistant
- Carrie Simmons.....Executive Director
- Carly Somerset.....Fisheries Outreach Specialist

**OTHER PARTICIPANTS**

- Beth Dieveney.....FKNMS
- Kerry Marhefka.....SAFMC

1 Corky Perret.....Shrimp AP  
2 Clay Porch.....SEFSC  
3 Ed Walker.....Reef Fish AP  
4  
5 - - -  
6

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1 The Coral Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Hilton Baton Rouge, Baton  
3 Rouge, Louisiana on Monday morning, January 30, 2023, and was  
4 called to order by Chairman Tom Frazer.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN TOM FRAZER:** I will call together the Coral Committee.  
11 The members of that committee are myself, C.J. Sweetman, Susan  
12 Boggs, Billy Broussard, J.D. Dugas, Bob Gill, Bob Shipp, and  
13 Andy Strelcheck.

14  
15 The first order of business really is the adoption of the  
16 agenda, and that's Tab N, Number 1 in your briefing materials,  
17 and are there any additions or modifications to the agenda as  
18 written? I am not seeing any, and can I get a motion to approve  
19 the agenda? It's moved by Mr. Broussard. Is there a second?  
20 It's seconded by Mr. Sweetman. Okay. The next -- Excuse me.  
21 Is there any opposition, I guess, to that? Seeing none, the  
22 agenda is approved.

23  
24 The next item on the agenda is Tab N, Number 2, and that would  
25 be the August 2022 minutes. Are there any additions or changes  
26 or edits to those minutes? I am not seeing any. Can I get a  
27 motion to approve the August 2022 minutes? Motion made by Mr.  
28 Dugas. Is there a second? It's seconded by Ms. Boggs. Is  
29 there any opposition to approving those minutes? Seeing none,  
30 the minutes are approved.

31  
32 That would lead us to our third agenda item, which is the action  
33 guide and next steps, and that would be Tab N, Number 3 in your  
34 briefing materials, and Dr. Mendez-Ferrer will lead us through  
35 that.

36  
37 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. If it's okay  
38 with you, and we do have two items, but they're quite different  
39 from each other, and so we'll go item-by-item, if that's okay.

40  
41 **CHAIRMAN FRAZER:** That would be great.

42  
43 **FLORIDA KEYS NATIONAL MARINE SANCTUARY (FKNMS) PROPOSED RULE**  
44 **RECOMMENDATIONS FROM THE COUNCIL'S ADVISORY PANELS**  
45

46 **DR. MENDEZ-FERRER:** All right, and so, for the next agenda item,  
47 we have the Florida Keys National Marine Sanctuary proposed  
48 rule, and so council staff will present a summary of

1 recommendations provided by the council's advisory panels in  
2 relation to the Florida Keys National Marine Sanctuary's  
3 proposed rule.

4  
5 The council will submit a formal letter, with recommendations,  
6 on February 17. If you remember, last time we discussed this  
7 topic, we had requested an extension on when to provide this  
8 letter, so that we could convene all of our AP members and get  
9 some feedback. The committee should review the recommendations,  
10 provide any clarifications, additions, deletions, or  
11 supplemental rationale, as needed, to this letter, and the  
12 committee should also consider recommending the letter for  
13 approval and submittal to Full Council.

14  
15 We have a couple of things that we will go over in this  
16 presentation, and the presentation is framed around the various  
17 motions that we received from the APs, and we have two of our AP  
18 chairs in the room with us, the Reef Fish and the Shrimp AP, and  
19 we also have representation from the Coral AP and CMP AP via  
20 webinar. I also want to mention that we have Ms. Beth Dieveney,  
21 of sanctuary staff, on the webinar with us, so that she can  
22 answer any questions related to the draft rule, and we'll also  
23 hear a short presentation from her giving us an update on the  
24 protocol for cooperative fisheries management.

25  
26 We had a total of six advisory panel meetings, and we convened  
27 five of our APs. The Coral, Shrimp, and Spiny Lobster were  
28 convened twice, because we ran out of time the first time we  
29 convened the group jointly, and so we had to schedule separate  
30 meetings.

31  
32 Like I mentioned, this presentation is kind of framed around  
33 motions, and so I wanted to highlight that, even though we  
34 didn't have any motions specific from the Reef Fish AP, they did  
35 commend the sanctuary staff for increasing stakeholder  
36 engagement and including recommendations into the proposed rule,  
37 and so some of these things that we had included in our letter  
38 to the DEIS, such as being opposed to large areas with idle  
39 speed that they were recommending that would cross Hawks  
40 Channel. Right here, we also have a link that you can use to  
41 access the entirety of the draft rule.

42  
43 Some of the topics that I will be going over, with this  
44 presentation, are the sanctuary boundary expansion, and we also  
45 have motions regarding Pulley Ridge and the inclusion as part of  
46 the National Marine Sanctuary, and sanctuary protection area  
47 expansions and the proposed phase-out of bait fishing permits in  
48 these regions, restoration areas, Western Dry Rocks Wildlife

1 Management Area, and we have some motions regarding the proposed  
2 emergency rulemaking procedures, the definition of "traditional  
3 fishing", the protocol for cooperative fisheries management, and  
4 then I have another slide where we didn't have any motions, but  
5 we have some concerns that were brought up by the various APs,  
6 and so I kind of wanted to highlight those.

7  
8 Starting with the sanctuary boundary expansion, here I am  
9 including a figure, and so the line, the salmon line, is the  
10 current sanctuary boundary, and the green line is the proposed  
11 expansion, and so you will see there that, in the proposal, it's  
12 including the Pulley Ridge HAPC as part of the Florida Keys  
13 Sanctuary.

14  
15 We had a motion from the Coral AP in support of the expansion,  
16 and the rationale behind it is the protection of coral habitat,  
17 and it's something that has been brought up by, you know,  
18 concerns about the degradation of coral habitat, and so the  
19 rationale for the proposed expansion is to focus on protecting  
20 benthic habitat, and there's also a new marine sanctuary-wide  
21 regulation that would prohibit discharge, and so that's a way  
22 for the sanctuary to address some of the water quality concerns,  
23 and so that would be additional protection for coral habitat.

24  
25 The CMP AP is against the sanctuary boundary expansion, and so  
26 the opposing comment here is that, even though the sanctuary has  
27 been under management for so long, we continue to see  
28 degradation, and so how is this expansion supposed to help?

29  
30 We also had a position from the Shrimp and Spiny Lobster AP, due  
31 to lack of justification and out of concerns of future closures  
32 that would affect shrimping grounds, and so the area west of the  
33 Tortugas, and north of the Tortugas, and so that salmon box on  
34 the southwest corner, and so north of that is an area that is  
35 highly used for shrimping, as well as the southern line, the  
36 boundary, for the sanctuary, and so this concern about what's  
37 going to happen in the future, and how is this expansion going  
38 to affect fishing practices, is something that we heard a lot  
39 during our AP meetings.

40  
41 For the inclusion of Pulley Ridge as part of the sanctuary, the  
42 Coral AP is in support for protection of mesophotic habitats.  
43 To remind the committee, Pulley Ridge currently has fishing  
44 restrictions to bottom-tending gear, and so what the sanctuary  
45 is proposing is a no anchor to all vessels. With Coral 9, Coral  
46 9 implemented no anchoring for fishing vessels, which is within  
47 the council's jurisdiction, and so it would be expanding that no  
48 anchoring to all vessels, and the rationale would be protecting

1 the benthic habitat from additional physical impact, as well as,  
2 once it becomes part of the sanctuary, the no discharge rule  
3 will also protect the area from water quality impacts.  
4

5 The CMP AP is in opposition of including Pulley Ridge, and this  
6 group actually had quite a lengthy discussion on why they were  
7 against including Pulley Ridge, and so some of the concerns that  
8 were brought up is that this would affect users outside of the  
9 Florida Keys region, as well as the group considered Pulley  
10 Ridge to be kind of a different environment from the Florida  
11 Keys, and so they even played with the idea of having Pulley  
12 Ridge be its own sanctuary, or managing it in a different way,  
13 but they didn't agree with including Pulley Ridge as part of the  
14 Florida Keys. We have a comment.  
15

16 **MR. ANDY STRELCHECK:** Just a question. Can you remind me,  
17 regarding the Reef Fish AP's comments specific to Pulley Ridge?  
18

19 **DR. MENDEZ-FERRER:** We have the Reef Fish AP Chair here. I  
20 don't recall if there was -- There wasn't an explicit motion  
21 regarding Pulley Ridge.  
22

23 **MR. ED WALKER:** That's correct. That was not discussed at all,  
24 I don't think, and I think we kind of skimmed over it. I am on  
25 the CMP AP as well, and that came up, and kind of lit a fire in  
26 the room, and I think we talked about that for an hour-and-a-  
27 half, and I think the chair of the CMP is going to be on the  
28 phone, and he can describe that in detail, but, at the Reef Fish  
29 AP, we did not discuss that, even though we do have a couple of  
30 Keys guys on there, and we just listened to the presentation and  
31 made a few small comments and moved on, and it didn't come up.  
32

33 **CHAIRMAN FRAZER:** Mr. Strelcheck.  
34

35 **MR. STRELCHECK:** The reason I raise this is that, at least in  
36 conversations that I've had over the last couple of years with  
37 the sanctuary expansion, there's been, obviously, a lot of focus  
38 and concerns driven by the reef fish fishermen, with regard to  
39 expanding the Florida Keys Sanctuary into Pulley Ridge, right,  
40 and so I'm just surprised that the AP wouldn't have covered  
41 this, and maybe it was lack of time, or, you know, composition  
42 of the AP, but it's something I think to note, in terms of  
43 getting input and feedback from our reef fish fishermen.  
44

45 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. All right. Dr.  
46 Mendez-Ferrer.  
47

48 **DR. MENDEZ-FERRER:** Mr. Strelcheck, maybe -- So Coral 9 spent a

1 lot of time gathering feedback from fishermen, and so, I guess,  
2 because there aren't any additional fishing regulations included  
3 in the proposed rules currently, it might have not been as much  
4 of a concern at this time.

5  
6 Sanctuary protected areas, SPAs, in the proposed rule, there is  
7 a proposal for expanding some of these reefs for additional  
8 protection of benthic habitat, and so the Coral AP is in support  
9 of these expansions, as identified in the draft rule, and so we  
10 have comments from the Spiny Lobster, and also the Coral AP,  
11 against the phase-out of bait fishing in SPAs.

12  
13 Right now, there are four SPAs where bait fishing is allowed, by  
14 permit only, and the reasoning behind the opposition is because  
15 the current practices pose minimal impact on the bottom habitat,  
16 and there is only a small number of permits that are currently  
17 allowed to do this practice, and so the -- The council commented  
18 on this, in the DEIS, also in opposition of phasing-out bait  
19 fishing, given that it's a practice that is mostly pelagic for  
20 the capture of ballyhoo, and so the APs didn't think that  
21 phasing-out bait fishing permits would have any additional  
22 impact on benthic habitat.

23  
24 The proposed rule is also including a new marine zone called  
25 restoration areas, and so this area will focus on delineating  
26 and proposing some regulations for coral nursery and coral  
27 restoration areas. The Coral AP is in support of this new  
28 marine zone, including the no fishing and no anchoring in these  
29 areas, and so this would reduce the entanglement with coral  
30 nursery structures, and it would also reduce harming of bottom  
31 habitat, and it would protect the divers working in this area.

32  
33 The Coral AP is also in support of creating the Western Dry  
34 Rocks Wildlife Management Area. Currently, as it's written in  
35 the rule, it's a seasonal fishing closure, and no anchoring,  
36 from April 1 to July 31, to protect spawning aggregations, and  
37 so the proposal includes similar regulations to what FWC is  
38 proposing for this area, and there were some discussions, from  
39 the Coral AP group, regarding this, into just overall protection  
40 of spawning grounds, which is something that we have addressed  
41 via -- With the Madison-Swanson and so those council actions  
42 were also brought up during this discussion.

43  
44 Temporary regulation for emergency and adaptive management, and  
45 so we have a motion from the Shrimp AP against emergency  
46 management rulemaking for more than six months, but what's  
47 included in the rule is that any temporary regulation may be in  
48 effect for up to 180 days, and so six months, with one six-month

1 additional extension of 186 days, and so there were concerns  
2 regarding how this may impact fishing activities, the economic  
3 impacts, especially with a lengthy closure, and so the Shrimp AP  
4 also requested that the sanctuary have a better definition of  
5 the parameters of what constitutes an emergency, and we also  
6 have the Shrimp AP chair with us, if he has any additional  
7 comment regarding this item, this motion. Otherwise, we can  
8 move on.

9  
10 **CHAIRMAN FRAZER:** Mr. Gill.

11  
12 **MR. BOB GILL:** Thank you, Mr. Chairman. Are the AP chairs going  
13 to independently provide comment during this presentation?

14  
15 **CHAIRMAN FRAZER:** I think they certainly have the opportunity to  
16 do that, if they feel like they can add some value or if there's  
17 a request for them to do so.

18  
19 **MR. GILL:** But it's not planned, and so questions independently  
20 at this time would be more appropriate?

21  
22 **CHAIRMAN FRAZER:** Yes.

23  
24 **MR. GILL:** Thank you, and so my question is for the Shrimp AP  
25 chair, and could you tell us why the Shrimp AP thought that a  
26 more restrictive emergency management rule than the council's  
27 version is more appropriate?

28  
29 **CHAIRMAN FRAZER:** Mr. Perret.

30  
31 **MR. CORKY PERRET:** Thank you, Dr. Frazer and members. When it  
32 was presented to us, there was no criteria for what would  
33 constitute an emergency rule, and so, if my memory serves me  
34 correctly, and it's not near as good as it once was, I think the  
35 council -- You can only have an emergency rule for up to six  
36 months, or something like that, and so that's why we wanted to  
37 be consistent with the council, and I think, at the council  
38 level, it can be extended for another six months, and, again, if  
39 memory serves me right, there's been two emergencies, and one  
40 was a ship anchor, and the other one was some disease, but we  
41 just wanted to make sure that, if indeed an emergency were  
42 declared, that it wouldn't be for perpetuity, to have a length  
43 of time or something like that.

44  
45 **CHAIRMAN FRAZER:** Mr. Gill.

46  
47 **MR. GILL:** Thank you, Mr. Chair, and a follow-up. An unfair  
48 question, but would you believe that the AP would support an

1 emergency rule the same as the council's emergency rule, i.e.,  
2 six months with an extension up to another six?

3  
4 **MR. PERRET:** Absolutely, if indeed it were a, quote, unquote,  
5 emergency, and, you know, what's the emergency going to be? If  
6 it's ship that anchored, why not just close the area, which  
7 would be for anchoring, but why impact other resource users?

8  
9 **MR. GILL:** Thank you.

10  
11 **MR. PERRET:** I assume that I'm going to have a chance to make a  
12 few other comments later?

13  
14 **CHAIRMAN FRAZER:** You can certainly do that. We'll call you  
15 back at the appropriate time, Corky.

16  
17 **MR. PERRET:** Thank you.

18  
19 **DR. MENDEZ-FERRER:** When we were discussing temporary regulation  
20 for emergency and adaptive management, the Coral AP is in  
21 support of the concept of adaptive management, but recommends  
22 that the sanctuary create a process for adaptive management that  
23 is separate from emergency and temporary regulations, and so the  
24 rationale behind this is that they would want to see a process  
25 that is more forward-thinking, and more proactive, and that is  
26 not constrained by the time limits inside of an emergency rule.

27  
28 The definition of "traditional fishing", we had a lot of  
29 discussions regarding this, and the Shrimp AP passed a motion to  
30 include a definition in the rule, instead of referencing another  
31 document, and what they're referring to, is you go to the link,  
32 there is a reference to an older management plan that it's not  
33 as straightforward to define this is exactly what the  
34 traditional fishing -- What is considered traditional fishing  
35 within the sanctuary.

36  
37 The Coral and CMP AP have concerns that, with the definition as  
38 it's currently stated, it would limit the development of  
39 innovative gears and practices to reduce impacts on sanctuary  
40 resources, and so, in the proposed rule, it's also mentioned  
41 that this definition is going to be further clarified in the  
42 protocol for cooperative fisheries management.

43  
44 If we go to the next slide, this agreement describes the role of  
45 the sanctuary, for FWC, NMFS, and the councils, the South  
46 Atlantic and the Gulf Councils, in the management of fishery  
47 resources within the Florida Keys National Marine Sanctuary, and  
48 this was signed in 1998.

1  
2 We are currently working on a draft, and we took kind of like a  
3 first stab at this draft, but we will see a presentation by Beth  
4 kind of outlining the timeline of what we are thinking are going  
5 to be the steps on bringing this draft to the council.  
6

7 The APs are concerned about the hierarchy, and I have this in  
8 quotes, between Magnuson and the National Marine Sanctuaries  
9 Act, and so, when there were concerns, or motions, regarding an  
10 expansion, it wasn't because the AP didn't want to protect  
11 benthic habitat, and they made that comment very clear, as you  
12 can see in the meeting summaries, but it was what's going to  
13 happen if, down the line, the sanctuary says no fishing is  
14 allowed in these areas, and then there are any discrepancies in  
15 the recommendations from the councils or FWC regarding those  
16 fishing regulations, and so there is concern there on how these  
17 acts kind of work together, and I guess we're trying to figure  
18 that out as we develop the protocol for cooperative fisheries  
19 management and like the steps and the jurisdictions from each  
20 one of those councils, and I don't know if Mara wants to chime-  
21 in here regarding how this works together.  
22

23 **CHAIRMAN FRAZER:** Go ahead, Ms. Levy.  
24

25 **MS. MARA LEVY:** I mean, we can talk about this further, but I  
26 think we've talked about it, right, and there's a statutory  
27 interaction that happens, and it's not something that we're  
28 deciding outside of the statutory context, in terms of what the  
29 sanctuary's role is and the council's role, right, and it's just  
30 more about how the -- The protocol is about how the different  
31 parties, which also includes heavily the State of Florida for  
32 this particular sanctuary, how they're going to interact  
33 together in going through the process. I don't know that I need  
34 to say much more right now.  
35

36 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Levy. Any other  
37 questions or comments? Go ahead, C.J.  
38

39 **DR. C.J. SWEETMAN:** Thank you, Mr. Chair. Going back to the  
40 traditional fishing definition, I realize that that is a fairly  
41 nuanced conversation, but it's actually pretty important in this  
42 entire context of everything, and so, as the sanctuary has  
43 proposed defining the traditional fishing definition, it means  
44 those commercial or recreational fishing activities that were  
45 customarily conducted within the sanctuary prior to its  
46 designation, as identified in a reference that was incorporated,  
47 and that reference was from 1996.  
48

1 This reference that's incorporated, it provides a detailed  
2 description of those activities, as well as the targeted  
3 species, location, seasons when the activity occurred, as well  
4 as the types of gear that are utilized to harvest those species.  
5 Obviously, a lot has changed since 1996, including the  
6 regulations that the Gulf Council has put in place, the South  
7 Atlantic Council has put in place, and FWC has put in place, and  
8 none of those are, obviously, referenced within that, because  
9 it's more of a historical document that was developed prior to  
10 the sanctuary's designation, and so I'm just kind of throwing  
11 that out there, because those regulatory changes, as it  
12 currently stands, they're not incorporated, and they would not  
13 be considered traditional fishing activities, as it's currently  
14 defined, and so I just wanted to provide a little bit of  
15 additional context as to that, because it's pretty important.

16  
17 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Sweetman. I have  
18 Mr. Gill and then Ms. Boggs.

19  
20 **MR. GILL:** Thank you, Mr. Chairman, and so I have two questions.  
21 One is was the letter that we're proposing to send out entirely  
22 consistent with the AP recommendations, and how did you handle  
23 when they were not the same?

24  
25 **CHAIRMAN FRAZER:** Dr. Mendez-Ferrer.

26  
27 **DR. MENDEZ-FERRER:** In the letter, we try to capture what the  
28 APs proposed in their motions, and I also referenced the  
29 original DEIS that we sent out. There were -- As you can see,  
30 there were some motions that we have conflicting  
31 recommendations, and so, when we worked on the letter, because  
32 the definition of "traditional fishing" was something that was  
33 consistently brought up during the various AP meetings, we tried  
34 to frame that letter regarding it, and so say you were opposing  
35 an expansion, and it is not because we are against protecting  
36 the habitat, but we want to make sure that we know how fishing  
37 regulations are going to be managed like within the area. Does  
38 that answer your question?

39  
40 **CHAIRMAN FRAZER:** Bob.

41  
42 **MR. GILL:** Thank you, sir, and so my second question is,  
43 obviously, Florida has a considerable interest in this topic.  
44 Has the council staff and FWC staff been in discussions, and the  
45 secondary part of that is, for C.J., and you're responding with  
46 your comments to the sanctuary, just like we are, and has that  
47 been available for council consideration?

48

1 **CHAIRMAN FRAZER:** There is two responses required, and the first  
2 one is Dr. Mendez and then Dr. Sweetman.  
3

4 **DR. MENDEZ-FERRER:** Yes, we have been in communications with FWC  
5 staff. As a matter of a fact, Dr. Sweetman was the council  
6 liaison for various of these meetings, but I can let him chime-  
7 in and talk about it from FWC's perspective.  
8

9 **CHAIRMAN FRAZER:** C.J.

10

11 **DR. SWEETMAN:** Thanks, Mr. Chair. Yes, we certainly have been  
12 coordinating, behind the scenes, with both councils about the  
13 sanctuary blueprint here. As far as FWC-specific comments, we  
14 are still actively drafting those, and we got an extension, the  
15 same along the lines of the Gulf Council, and I think we have  
16 until the end of February, and so, once we have those in a good  
17 place, we would certainly be more than willing to coordinate  
18 with council staff to finalize some of those items there.  
19

20 **CHAIRMAN FRAZER:** Okay. Thank you, C.J. Ms. Boggs.

21

22 **MS. SUSAN BOGGS:** Thank you for bringing this discussion up,  
23 C.J. I was going to wait until we got to the letter, but the  
24 "traditional fishing" really bothers me, in that there's not a  
25 clear definition for it, bottom trawling with nets, trapping,  
26 hook-and-line, and, I mean, is that the something that the  
27 council can define, because the letter is pretty vague in how it  
28 addresses that, and can we be more specific to what we would  
29 like to see, and I'm like C.J., and I was reading the document,  
30 and, in 1997, yes, there's a lot that has changed, and it's -- I  
31 think we need -- This council needs to be pretty specific as to  
32 what we would like to see as the definition for "traditional  
33 fishing". Of course, I don't know how we come to that decision,  
34 but --  
35

36 **CHAIRMAN FRAZER:** I can let either Dr. Simmons or Dr. Mendez-  
37 Ferrer, you know, speak to that point, right, and I think  
38 there's an issue here about the timing of developing the rule  
39 and, you know, revising and updating the protocol, right, and  
40 so, hopefully, during that process, the definition of  
41 "traditional fishing", you know, would be revised, and numerous  
42 individuals and parties would have an opportunity to review  
43 that, to agree on what that looks like. Go ahead, Susan.  
44

45 **MS. BOGGS:** Well, so, I guess, in the interim, this definition  
46 of "traditional fishing", would they still be referencing 1997,  
47 until that new -- Will the new definition of "traditional  
48 fishing" be as in-depth as what C.J. was referencing, because it

1 does -- It addresses the different user groups, the different  
2 species, the different areas, and, I mean, is it going to be  
3 that specific, or are they just looking at traditional fishing  
4 based on how we actually prosecute a fishery?  
5

6 **CHAIRMAN FRAZER:** Dr. Mendez-Ferrer.  
7

8 **DR. MENDEZ-FERRER:** So we're still working on that, and the plan  
9 is to bring a draft to the council, and that kind of brings me  
10 back to one of the Coral AP's recommendations, which is to allow  
11 input from the public, and so, when this comes up to the  
12 council, and it becomes part of the public record, we can -- The  
13 council can hear public testimony, and some of the questions  
14 that you brought up are actually going to be answered by Ms.  
15 Dieveney, in her next presentation, and so if you can hold off  
16 until that part.  
17

18 **CHAIRMAN FRAZER:** Okay, and so I'm not seeing any other hands,  
19 and so, Natasha.  
20

21 **DR. MENDEZ-FERRER:** Okay, and so, like I mentioned, we didn't  
22 have motions on these bullets that I am showing you, but there  
23 was some issues that were brought up, and I kind of wanted to  
24 bring them in front of the committee.  
25

26 We had comments about how the draft rule can be confusing, since  
27 it is a new alternative that basically takes bits and pieces  
28 from the original DEIS, which had four alternatives, and they  
29 didn't -- You know, this draft didn't just go with what was  
30 originally selected as a preferred alternative, which is  
31 something that, you know, we do during our council meetings, I  
32 guess, and so it was a little different from our, I guess,  
33 council process, or what we're more used to seeing.  
34

35 There were comments about enforceability, how is this going to  
36 be enforced, all these changes, or these too many boxes, and,  
37 when they referred to too many boxes, if you go to the  
38 interactive map, you will see that there is boxes for wildlife  
39 management areas, for sanctuary preservation areas, and our  
40 stakeholders thought that it was confusing. They wanted to see  
41 consistency in regulations, and there was a lot of concerns  
42 regarding recreational use of the National Marine Sanctuaries  
43 and the sheer number of visitors and people who come and use the  
44 area who are not familiar as to the habitats or the regulations,  
45 and how is this going to be enforced, if people don't know what  
46 the regulations are where they are visiting.  
47

48 There was another comment about offshore idle speed, and this

1 was referring to a proposed wildlife management area on the  
2 Marquesas, which the rationale for this idle speed zone is to  
3 protect foraging sea turtles, and so, if you remember the  
4 original DEIS, we had the Tortugas Corridor, and we had three  
5 other large swaths of idle speed, and those were removed, but  
6 the draft rule still has that large wildlife management area  
7 west of Key West, and so there was some concerns about that.

8  
9 Water quality continues to be an issue that is brought up by the  
10 stakeholders, and there were comments about why are we expanding  
11 areas, and this is not addressing water quality and how  
12 nutrients are affecting the benthic habitat, and they would like  
13 to see the sanctuary be more involved with the agencies who  
14 manage nutrient inputs and other water quality issues in the  
15 area.

16  
17 We also had some concerns, some comments, regarding the process  
18 which the Florida Keys is addressing the expansion compared to  
19 the Flower Garden Banks, especially regarding the boundaries of  
20 the zones, and so, if you remember the Flower Garden Banks, they  
21 worked very closely with stakeholders, and the boundaries of the  
22 sanctuary follow the contour of the coral habitat that they're  
23 trying to protect, versus larger, straight-line boxes, as they  
24 are being proposed for the Florida Keys, and so they wanted to  
25 see something -- Somewhat of a similar process and not just  
26 straight lines. Mr. Chair, that's it for what I have here, and  
27 I can take some questions, and we can also let the AP chairs  
28 chime-in.

29  
30 **CHAIRMAN FRAZER:** Thank you very much, and so, first, we'll go  
31 ahead and entertain any questions around the table, and then  
32 we'll give an opportunity to each of the AP chairs to provide  
33 additional input, if they choose to do that, and so is there any  
34 questions, or are there any questions, excuse me, and, Dr.  
35 Sweetman.

36  
37 **DR. SWEETMAN:** Thank you, Mr. Chair. Just a couple of  
38 questions/comments here, and a couple of -- You know, respective  
39 to Mr. Gill's comments earlier about FWC's comment letter, I  
40 mean, I know there's some things that we specifically will be  
41 commenting on that perhaps the council might want to consider.

42  
43 They're proposing some new definitions to no anchoring, and one  
44 thing that FWC is going to request is for the allowance of push  
45 poles and power poles to be exempt from that definition.  
46 Obviously, many of you that have been to the Keys, flats  
47 fishing, and I think this designation that they're trying to do  
48 is primarily for coral habitat, and so I'm just throwing that

1 out there for the council's consideration, and I'm not  
2 requesting anything along those lines.

3  
4 I'm glad that you put water quality and enforcement on that last  
5 slide. One area where I do think maybe this comment letter  
6 could be strengthened a little bit is to speak towards the  
7 enforcement concerns, and I know it's touched upon in there, as  
8 it relates to the AP recommendations, but, specifically, with  
9 some of the language that's within the draft management plan,  
10 and it references the sanctuary coordinating with partners to  
11 obtain additional investments for enforcement capacity and  
12 technologies, and I think it would be appropriate for the  
13 council to support something along those lines, being fully  
14 cognizant that it's not like the sanctuary can just give  
15 additional funding resources to FWC Law Enforcement along those  
16 lines, and so it needs to go through a more formalized process  
17 at the federal level there.

18  
19 Just for reference, I mean, we've got about sixty law  
20 enforcement officers from FWC in the Florida Keys, and it's  
21 about 3,800 square miles, and it's proposed to be expanded by a  
22 thousand square miles now, with no mention of these additional  
23 resources in there, and so something along those lines would  
24 certainly be beneficial, and perhaps a little bit more  
25 incorporating of some of the AP recommendations along those  
26 lines, and I think that could be pretty valuable, to incorporate  
27 some of that language in there, and strengthen it up a little  
28 bit.

29  
30 We've had, I think at the peak, our joint enforcement agreement  
31 was about \$1.4 million, and now we're down to about \$360,000,  
32 and so the money that's dedicated to FWC Law Enforcement has  
33 been substantially slashed, ever since its inception, and so I'm  
34 just throwing that out there for potential consideration, and I  
35 don't know if you need a motion, or anything along those lines,  
36 to incorporate that into the comment letter, or just to work  
37 with council staff, but I just wanted to throw that out there  
38 for consideration.

39  
40 **CHAIRMAN FRAZER:** Thanks, C.J. I just want to make sure that I  
41 captured a couple of things in those comments, and so it started  
42 out with a comment on water quality and enforcement, and, I  
43 mean, so water quality is obviously a big issue, right, and  
44 there are acute, or discrete, events that happen within the  
45 boundaries of the sanctuary, and there's an enforcement element  
46 there.

47  
48 That's, obviously, separate from the broader scale nutrient

1 delivery problems, right, that we deal with, and so the comment,  
2 with regard then to law enforcement, is recognizing that there  
3 probably -- There's a recommendation for an increase, or  
4 enhanced capacity, for law enforcement to act on kind of  
5 discrete water-quality-related violations within the sanctuary  
6 and other issues, and so they kind of flow together, and is that  
7 correct?  
8

9 **DR. SWEETMAN:** Yes, and I think it's all interrelated. All the  
10 regulations, whether it's no discharge or things along those  
11 lines, relates to other resource violations too, and so, yes, I  
12 agree with you, Dr. Frazer.  
13

14 **CHAIRMAN FRAZER:** Okay, and so I think we can capture those  
15 comments, and that's my personal opinion. We're going to come  
16 back to the anchoring in a second, but go ahead, Mr. Gill.  
17

18 **MR. GILL:** Thank you, Mr. Chairman, and so my question is, in  
19 this process, is it potentially possible that the rule will be  
20 approved and implemented prior to either the protocol update or  
21 agreement on things amongst all the partners, such as  
22 traditional fishing and other issues? I will ask my question,  
23 but then I have a follow-up.  
24

25 **CHAIRMAN FRAZER:** A couple of things there. I think, you know,  
26 we're going to hear more about this in a subsequent presentation  
27 by Ms. Dieveney, and she'll talk about the timing, as it relates  
28 to the development, right, and approval of the rule and the  
29 protocol, and so I think we'll get some of those issues  
30 resolved, with regard to timing, in a minute. Go ahead with  
31 your second question.  
32

33 **MR. GILL:** I will defer until I hear that presentation.  
34

35 **CHAIRMAN FRAZER:** Okay. Are there -- So the anchoring one,  
36 C.J., I'm trying to think about how to incorporate that, and  
37 where to insert it into this process, and, you know, there's a  
38 couple of questions that come to mind, and it's not unrelated to  
39 what the APs talked about, with regard to the Pulley Ridge  
40 expansion, right, and so Pulley Ridge is a habitat area of  
41 particular concern, right, and, as part of that, there are  
42 fishing regulations, and regulations that relate to bottom-  
43 tending fishing gear and anchoring and things of that nature,  
44 and my question, and it's going to ultimately go to Mara, or  
45 Andy, I think, is, because Pulley Ridge already has that HAPC  
46 designation, does it not relate as well to non-fishing vessels?  
47

48 You know what I'm saying, and it's interesting to me, and so law

1 enforcement then has to look at, if the vessel is within the  
2 boundaries, or within the confines of the Pulley Ridge HAPC,  
3 right, then they say, well, you don't have a fishing pole,  
4 right, or any other fishing gear on the vessel, and it's cool if  
5 you anchor here, and so I guess this gets to this idea of how do  
6 you, you know, mutually manage these areas, and so I was  
7 surprised to learn that, that bottom-tending gear -- If you  
8 don't have any fishing gear, it's okay to do that, and is that  
9 true? Ms. Levy.

10  
11 **MS. LEVY:** Well, so it goes to the scope of the council  
12 authority, right, and so, to the extent they're Magnuson Act  
13 regulations, the council, and NMFS, have the authority to  
14 regulate fishing, and fishing vessels, and so we can't -- We  
15 couldn't implement a rule that basically says that oil tankers  
16 can't anchor in this area, and so it gets at the scope of the  
17 authority.

18  
19 **CHAIRMAN FRAZER:** Yes, and that's where it was tricky, right,  
20 because we also have interest as it relates to habitat, and not  
21 fishermen, per se, and so, if we're trying to, under our  
22 purview, provide protections for those habitats, I guess why  
23 would that not apply to all vessels?

24  
25 **MS. LEVY:** Well, you're designating essential fish habitat,  
26 which comes with various, you know, responsibilities for  
27 consultation, right, about impacts to that habitat, but then,  
28 specifically, you're directed to have authority to then minimize  
29 impacts from fishing on that habitat, right, and so, again, the  
30 authority to actually regulate things comes from the link to  
31 fishing.

32  
33 The authority to say this is essential fish habitat, and,  
34 therefore, you have these consultation things that go into  
35 effect, that's different, and that's broader, but that's not  
36 regulating that activity.

37  
38 **CHAIRMAN FRAZER:** Right, and I appreciate all of that. Thank  
39 you. In this process, this consultation process, if the  
40 interest is to protect the habitat beyond fishing vessels  
41 specifically, who would the appropriate body be to consult with  
42 that would have the authority to do that?

43  
44 **MS. LEVY:** Well, so I guess I need to be more clear, and so the  
45 authority for consultation, right -- The consultation  
46 requirement comes from the Magnuson Act, and it's about federal  
47 activities, right, and so it's the idea that, if another federal  
48 agency is doing something, and that has the potential to

1 adversely affect essential fish habitat, then you have to have  
2 those consultations with NMFS about that activity.

3  
4 There is not, per se, a way to consult about anchoring of other  
5 vessels, right, and, I mean, unless it's to the extent that some  
6 federal agency is doing some action that relates specifically to  
7 anchoring in a particular area, I don't think that's how it  
8 works.

9  
10 **CHAIRMAN FRAZER:** That helps a lot, and it's certainly going to  
11 help inform, I think, our discussions as it relates to this  
12 cooperative fisheries protocol and the proposed rule, moving  
13 forward, and so sorry to take up a little extra time, but thanks  
14 for clarifying that for me. Are there any other questions,  
15 before we go to the AP chairs? Okay. I am not seeing any, and  
16 so, Dr. Mendez-Ferrer, do you want to identify the AP chairs and  
17 give them an opportunity to speak?

18  
19 **DR. MENDEZ-FERRER:** Yes, Mr. Chair, and maybe we can start with  
20 the chairs that are currently in the room, and Mr. Perret  
21 representing the Shrimp AP.

22  
23 **CHAIRMAN FRAZER:** Corky.

24  
25 **MR. PERRET:** Thank you, Dr. Frazer, once again. A couple of  
26 comments that I wanted to make have been touched on, and you've  
27 all got your recommendations from Shrimp and other advisory  
28 panels, but just a couple of things.

29  
30 One, law enforcement, and we found out that the sanctuary people  
31 have no law enforcement officers, and so maybe Mr. Diaz was  
32 ahead of himself, because there is certainly going to be some  
33 enforcement implications that are going to be tremendous. I  
34 mean, you're talking about idling and no anchoring and  
35 spearfishing and traditional fishing, and so many user groups  
36 are going to be impacted, and that's one issue, law enforcement,  
37 which has been brought up.

38  
39 Secondly, the data that was used for economic impact, it was  
40 like 2018 or 2019, and, while we were advised, by the sanctuary  
41 people, at our last meeting, that that would be updated, I don't  
42 think I've seen that, and so, again, the economic impact would  
43 probably be quite different, utilizing more recent data.

44  
45 The Shrimp Advisory Panel gave the council recommendations in  
46 2019, which thankfully you followed-up on, and we don't see a  
47 whole lot of changes in the final proposal, and the last thing,  
48 and, again, you followed with our recommendation, and that was

1 asking for the South Atlantic Council's Shrimp Advisory Panel to  
2 meet, which they did, virtually. Unfortunately, they didn't  
3 have a quorum, and there was only member there, but that member  
4 basically had the same thing to say as many of the members of  
5 the Gulf Council's Shrimp Committee, and that was don't close  
6 any more areas.

7  
8 The shrimp industry certainly doesn't want to trawl on coral.  
9 It damages gear, of course, and it damages the coral, and so,  
10 while they don't utilize those areas, the expansion of some of  
11 them has taken some of that area where historically there has  
12 been some shrimping activity, and one member from Florida, I  
13 guess, commented that one of the proposed closures in that  
14 western area could really impact the pink shrimp fishery, and  
15 so, with that, I think you've covered it, covered just about  
16 everything that we brought up as a committee.

17  
18 **CHAIRMAN FRAZER:** Dr. Sweetman.

19  
20 **DR. SWEETMAN:** Just a question for you, and so you said a  
21 closure in the western area, and I'm curious which one you were  
22 referring to, because the expansion --

23  
24 **MR. PERRET:** I think that it was that box, that little green  
25 box.

26  
27 **DR. SWEETMAN:** One of the Tortugas South areas?

28  
29 **MR. PERRET:** Yes, but, in the minutes of the 2019 meeting, those  
30 two areas were delineated by a motion as being against that.  
31 Thank you, and I thank you guys for your work. I wish all  
32 committees could agree on everything, but then you would have a  
33 real boring job, and so anything else? Dr. Frazer, thank you.

34  
35 **CHAIRMAN FRAZER:** I think we're good to go. Thank you, as  
36 always, Corky. I appreciate it.

37  
38 **MR. PERRET:** Thank you.

39  
40 **CHAIRMAN FRAZER:** Natasha.

41  
42 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair, and so I will go  
43 through the list in order as it's listed in the agenda. The  
44 next one is the Coral AP Chair, which I just received a message  
45 that there are no additional inputs, unless there's anything  
46 else. Otherwise, we can move to the Reef Fish AP Chair, Mr.  
47 Walker.

48

1 **MR. WALKER:** Thank you very much. The Reef Fish AP, when they  
2 heard the presentation from Mr. Werndli this time, I would say  
3 they were very supportive, and they thanked him for the  
4 modifications that were made between this iteration of the  
5 blueprint and the previous, which was very controversial, for a  
6 lot of reasons, and there were a lot of closed areas that people  
7 were unhappy with.

8  
9 I think it was a year or two ago when they originally brought  
10 this to us, and it was -- A lot of people were unsupportive of  
11 it, and so, when it came back, the AP was generally thankful to  
12 him, and made that clear to him, that thank you for trying to  
13 maintain your conservation goals while addressing the concerns  
14 of the stakeholder groups, which the AP group felt like they did  
15 a really good job with that.

16  
17 We did not discuss Pulley Ridge, and, since Mr. Strelcheck asked  
18 me that question, I reached out to one of our AP members, Greg  
19 Mercurio, who is probably the guy with the most charter  
20 experience on Pulley Ridge of anyone, and he essentially wrote  
21 the book on it.

22  
23 For decades, he has worked those waters, and I asked him, you  
24 know, why didn't you bring this up at the meeting, or even have  
25 discussion on the expansion, on the proposed expansion, in  
26 Pulley Ridge, and his response was that they didn't see, in the  
27 proposal, any change in fishing regulations, and so that was --  
28 Since that wasn't going to change his fishing any, he wasn't  
29 that concerned about, you know, regulatory changes. Now, the  
30 Mackerel AP was different, but I will let the chair of that get  
31 into that, but any other questions for the Reef AP on this  
32 proposed rule?

33  
34 **CHAIRMAN FRAZER:** Any questions?

35  
36 **MR. WALKER:** You know, we didn't pass a motion, and we were  
37 generally satisfied with the presentation, and we just kind of  
38 moved on from there. If a motion were presented to support  
39 this, I am certain that the AP would have passed it.

40  
41 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Walker. Natasha.

42  
43 **DR. MENDEZ-FERRER:** Unfortunately, we don't have a  
44 representative for the Spiny Lobster AP for today, and we just  
45 heard from the Shrimp AP, and so the last AP representative is  
46 Mr. Fisher, representing the CMP AP.

47  
48 **MR. MARTIN FISHER:** Good morning, everybody.

1  
2 **CHAIRMAN FRAZER:** Good morning.  
3

4 **MR. FISHER:** Thank you for letting us present. First and  
5 foremost, I would like your committee to understand that the  
6 negative motions that came out of the CMP don't reflect a desire  
7 not to be involved in conservation or the protection of habitat  
8 of concern or any coral bottoms.  
9

10 The negative motions that came out were, one, in particular, to  
11 not expand FKNMS down around the Keys, was because of it not  
12 being handled properly as it is, and why make more regulations  
13 on top of regulations that aren't already being enforced, or  
14 handled, to the reason that they're designed, which is to  
15 protect the marine environment, because the feeling down there,  
16 along the Keys, is that the marine sanctuary, in some ways, is  
17 being abused by the general public. I just wanted to make it  
18 very clear that the AP is very concerned with corals and the  
19 protection of corals and the protection of fish habitat.  
20

21 One of the key things that I remember from our conversation that  
22 day was that there is the fear that Pulley Ridge, in particular,  
23 which is a very unique, just as the Flower Gardens is to the  
24 west, and it's a very unique HAPC, and, if it's brought into the  
25 National Marine Sanctuary system, we were concerned that the  
26 fishing regulatory aspects of what happens in Pulley Ridge would  
27 be absorbed by them, and the council would give up its  
28 jurisdiction, and so it's very important that the council  
29 remains the shepherd of that area and that there's lots of ways  
30 to fish Pulley Ridge without using bottom-tending gear and  
31 without interacting with corals in any way whatsoever.  
32

33 Certainly there was also deep concern about freighters and other  
34 marine traffic that might use that as an anchoring area,  
35 because, even though it's a relatively deep reef, it's certainly  
36 the first hard ground that you can encounter, coming off of the  
37 deep waters of the Gulf, and so that's, obviously, a regulatory  
38 complication, because the council has no purview there over  
39 anything that's not a fishing vessel, and so I guess the key  
40 take-aways are we really recommend that the council maintain  
41 control over the regulatory process of fishing in Pulley Ridge,  
42 and I guess that's about it. Thank you.  
43

44 **CHAIRMAN FRAZER:** Thank you, Mr. Fisher. Are there any  
45 questions around the table? Okay. I am not seeing any  
46 questions, and so, again, thank you, Mr. Fisher, for that input.  
47

48 **MR. FISHER:** Thank you, Mr. Chair.

1  
2 **CHAIRMAN FRAZER:** Mr. Chair.

3  
4 **MR. DIAZ:** I just wanted to follow-up on something that Captain  
5 Walker said, and he said that the Mackerel AP had weighed-in on  
6 it, but we don't have a Mackerel AP chair, and I was just  
7 wondering if we knew what comments he was referring to.

8  
9 **CHAIRMAN FRAZER:** The CMP AP. I think, Natasha, if I'm correct,  
10 we captured all of our AP chairs, and so I think, the way that  
11 the schedule is laid out, Mr. Chair, is that we're scheduled for  
12 a break right now, and then we'll come back with a presentation  
13 from Ms. Dieveney.

14  
15 **MR. DIAZ:** Let's go ahead and take that break, and we're going  
16 to start back up at ten to eleven. Thanks.

17  
18 (Whereupon, a brief recess was taken.)

19  
20 **CHAIRMAN FRAZER:** We're going to go ahead and pick up where we  
21 left off in the agenda, and we would like to invite Ms. Dieveney  
22 to provide us an update on the protocol for cooperative  
23 fisheries management. Ms. Dieveney.

24  
25 **UPDATE ON THE PROTOCOL FOR COOPERATIVE FISHERIES MANAGEMENT**

26  
27 **MS. BETH DIEVENEY:** Thank you for inviting the Florida Keys  
28 National Marine Sanctuary to provide a little bit of a briefing  
29 on the cooperative fisheries protocol, and I will just  
30 acknowledge that -- Apologies that I'm not there in-person with  
31 all of you. I've never been to Baton Rouge, and it's always  
32 nice to come to the Gulf Council meetings, but I also have  
33 colleagues, both on the council as well as National Marine  
34 Fisheries Service, Mara Levy and Peter Hood and FWC, C.J.  
35 Sweetman, that I believe are in the room, and so are there to  
36 provide additional information and answer questions as well, if  
37 needed. I have a very short presentation to provide.

38  
39 This presentation, and I know you've heard a lot from the  
40 Florida Keys National Marine Sanctuary over the last several  
41 years, specifically to our restoration blueprint and the  
42 proposals therein, and this presentation is specific to the  
43 protocol for cooperative fisheries management, and I will talk a  
44 little bit about what that agreement is, who the agreement is  
45 between, why it is being updated at this time, what are some of  
46 the key topics that we're looking to address, and an estimated  
47 timeline.

1 First and foremost, the protocol for cooperative fisheries  
2 management is an agreement that was originally put in place in  
3 1997, and it's an agreement between National Marine Fisheries  
4 Service, the National Ocean Service, and the Florida Marine --  
5 It's an older agency, and so I can't remember what it is, but  
6 the Florida Marine Fisheries Commission.

7  
8 This agreement was put in place as the original regulations for  
9 the Florida Keys National Marine Sanctuary were developed and  
10 implemented, largely to provide opportunity for consistency,  
11 where possible, and coordination amongst all the entities who  
12 may develop fishery regulations within the waters of the  
13 sanctuary, and so this agreement recognized that there were  
14 multiple jurisdictions and authorities within the sanctuary,  
15 state and federal and fishery management council partners.

16  
17 The agreement intended to provide for flexible management, while  
18 also retaining the engagement by state, federal, and the public  
19 in rulemaking processes, and it described the roles and  
20 authorities, as well as outlined a process for engaging  
21 continued engagement on fishery management in the sanctuary.

22  
23 The intent was really to, where possible, provide consistent,  
24 coordinated regulations throughout the sanctuary, and also  
25 engage the public in that process. On this slide, for those who  
26 want to see the original agreement, I did provide a link, and  
27 apologies for the long text there, but, that way, you could  
28 access that on our website.

29  
30 The 1997 agreement signatories are the Florida Marine Fisheries  
31 Commission, and that entity is no longer in place, and so the  
32 updated agreement would be, of course, updated to the Fish and  
33 Wildlife Conservation Commission, and the 1997 agreement was  
34 also signed by the National Marine Fisheries Service, as its own  
35 entity, as well as the National Marine Fisheries Service signed  
36 as the designee for the fishery management councils, both Gulf  
37 and South Atlantic, and then, finally, the National Ocean  
38 Service, which is the other line office within NOAA, where the  
39 Office of National Marine Sanctuaries is housed.

40  
41 Why are we updating this now? Well, as you know, as you spent  
42 the first part of the Coral Committee talking about the  
43 restoration blueprint, where the Florida Keys National Marine  
44 Sanctuary has been going through a long public and agency  
45 process to review and update our regulations, our management  
46 plan, and, as part of this effort, we are also updating our  
47 cooperative management agreement, and so we have several  
48 cooperative management agreements with our state partners, and

1 60 percent of the sanctuary is within state waters, and so our  
2 state partners are key in managing and coordinating on sanctuary  
3 regulations and management.

4  
5 The protocol for cooperative fisheries management is one of  
6 those agreements that we are updating, and this agreement, as I  
7 already noted, involves more partners than just our state  
8 partners, but so this is a key piece of updating how we manage  
9 the sanctuary, is how we use these cooperative agreements for  
10 management.

11  
12 This slide shows some of the key topics that we will be  
13 addressing through this review, first and foremost, obviously,  
14 ensuring that the partners are updated and the correct partners  
15 are included, and so ensuring that Fish and Wildlife, Florida  
16 Fish and Wildlife, Conservation Commission is the partnering  
17 entity from the state side.

18  
19 Again, this agreement, as I noted, does include the respective  
20 authorities, roles, and responsibilities, and so just reviewing  
21 and clarifying those, making sure that they are all updated and  
22 accurate.

23  
24 Reviewing the process for communication and coordination among  
25 the signatories for fishery management action, and, as noted,  
26 this agreement is really to provide consistency in how we  
27 collaborate, coordinate, and issue fishing regulations within  
28 the sanctuary, state, and federal waters, and then, finally, as  
29 has been acknowledged through the earlier discussion, this  
30 protocol will include a new section specific on traditional  
31 fishing, and some elements that the protocol will include is to  
32 clarify traditional fishing activities and to develop a process  
33 to evaluate new, or modified, fishing activities and other  
34 relevant changes to fisheries management, and so, really,  
35 outlining the process by which the parties would review, and  
36 potentially update, traditional fishing activities.

37  
38 Because of the earlier discussion specific on traditional  
39 fishing and the definition, I just wanted to clarify that we do  
40 include a proposed definition for "traditional fishing" in the  
41 regulatory text, and so, in the draft rule, we do have a  
42 proposed updated definition for "traditional fishing", and we  
43 need to have a definition for "traditional fishing" in the  
44 regulations, because we provide exceptions for traditional  
45 fishing in our regulations, and so, in three places, we have a  
46 prohibition on alteration of or construction on the seabed,  
47 where we allow an exception for traditional fishing activities.

1 We have an existing regulation, a discharge regulation, that has  
2 an exception for discharge of fish, fish parts, chumming  
3 materials, et cetera, while conducting traditional fishing  
4 activities in the sanctuary, and, finally, in the proposed rule,  
5 we have a proposed new regulation prohibiting fish feeding that  
6 would also include an exception for traditional fishing  
7 activities, and so that hopefully clarifies a little bit of  
8 context of why we have a regulatory definition as well as the  
9 reasons for accepting that.

10  
11 This is my final slide, and it's a quite general estimated  
12 timeline, but just to give a sense of all the components of this  
13 project and where the protocol fits into it, and so the protocol  
14 is the line on the top, where, as Natasha noted, there has been  
15 initial coordination amongst the parties within NOAA, FWC, and  
16 FMC staff to review and develop a draft for consideration, and  
17 we're in the very early stages of that, and that will continue  
18 through the spring, to hopefully have a draft for agency and  
19 fishery management council review and input this summer, and,  
20 through staff, and likely FMC and other engagement, developing a  
21 final version for clearance, through the agency clearance  
22 process, and to incorporate into our final environmental impact  
23 statement.

24  
25 The two steps below are rulemaking. During this process, we  
26 will also be developing the final rule, conducting necessary  
27 agency coordination and consultation, and finalizing that rule  
28 for clearance, and then, also, our NEPA, our National  
29 Environmental Policy Act, requirements, and, as we finalize that  
30 rule, we will be developing a final environmental impact  
31 statement to review and evaluate the environmental and  
32 socioeconomic impacts of that final rule.

33  
34 All of these are going to be going on concurrently, and they all  
35 are intended to end at the same point, to move these documents  
36 through final preparation and clearance, and so, just to give  
37 you a sense of the timing of this, we plan to have all of the  
38 cooperative agreements reviewed, updated, and finalized to be  
39 published with the final environmental impact statement. That  
40 is, at this stage, just a bigger-picture sense of what this  
41 effort is, timeline, and next steps. Natasha, I don't know if  
42 you have anything to add, or my colleagues from FWC or National  
43 Marine Fisheries Service, but, otherwise, I will take questions.

44  
45 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Dieveney. Are  
46 there any questions around the table? I see Ms. Boggs and then  
47 Mr. Gill. Ms. Boggs.

48

1 **MS. BOGGS:** Thank you, Mr. Chair. Thank you for the  
2 presentation, and I do appreciate it. My question is, and I  
3 think what I was asking earlier, is this definition for  
4 "traditional fishing", and is this something that, once it is  
5 developed -- From what I understood, you're developing it, and  
6 it's not a part of the document yet, and will the councils have  
7 an opportunity to comment on that definition and how you came  
8 about that?

9  
10 **MS. DIEVENEY:** The time to provide direction and comment on the  
11 draft definition that is included in the draft rule is in the  
12 comment letter that you are developing at present. We will be  
13 taking all of the comment letters, and our coordination with  
14 developing, reviewing, and updating the protocol with help us to  
15 finalize that definition that will be in the final rule.

16  
17 **CHAIRMAN FRAZER:** Ms. Boggs.

18  
19 **MS. BOGGS:** Thank you, Mr. Chair. To follow-up to that, so,  
20 back to my comment I made earlier, and this council needs to be  
21 very specific, in the comment letter, what we define traditional  
22 fishing as being, because, I mean, we're not -- It seems -- I  
23 don't want to say inappropriate, but it seems kind of -- We  
24 should, the council should, have the opportunity to weigh-in and  
25 see that definition, once it's developed, because we're  
26 providing input, but if we're not allowed -- I mean, I just feel  
27 like we should have the ability to comment on whatever they  
28 define as "traditional fishing". I mean, we can define it as we  
29 see it, but, once it is developed, and we don't -- I mean, I  
30 just feel like we should have some way to comment on this.

31  
32 **CHAIRMAN FRAZER:** Before I get to C.J., I would agree with you  
33 100 percent, right, but I think there are a couple of processes  
34 that are going on simultaneously, and so the protocol -- I think  
35 there's an opportunity, as that protocol moves forward, to help  
36 define "traditional fishing", and I do think that the council  
37 has an opportunity to interact with other stakeholders in that  
38 process, and so, before it got to the end, there would be an  
39 opportunity to comment on it. Ms. Levy.

40  
41 **MS. LEVY:** Well, I mean, I would just point out that the  
42 sanctuary has a proposed rule out now that has a definition of  
43 "traditional fishing", and it's asking for the council's  
44 comments. I would not wait and think that this is going to be  
45 in the protocol, because, once the regulatory definition is  
46 developed, it's developed, and you are having the opportunity to  
47 comment on it, and so it's not -- It's not like it's not there,  
48 right, and like they're asking for comments on everything

1 they've proposed, including that definition.

2

3 **CHAIRMAN FRAZER:** Ms. Boggs.

4

5 **MS. BOGGS:** So, to follow-up, my understanding is the current  
6 definition, which is in the 1997 document, is that what will be  
7 moved over into this current document, and they will tweak it  
8 some, or have I seen it, and I don't realize that I've seen it?

9

10 **CHAIRMAN FRAZER:** Dr. Sweetman, real quick.

11

12 **DR. SWEETMAN:** There is an explicit definition, in the proposed  
13 rule, about what traditional fishing would constitute, yes, and  
14 so I believe that would be -- That definition that's in the  
15 proposed rule is what the council would be commenting on, in  
16 particular, and addressing some of what you pointed out, Ms.  
17 Boggs.

18

19 **CHAIRMAN FRAZER:** So, to that point, right, so the council, in  
20 its draft comment letter, has already said that they're not in  
21 support of the current definition, and it looks forward to  
22 working with the various stakeholders to redefine it, and so,  
23 whether that input occurs now, or in the coming months, in  
24 cooperation with the other stakeholders, right, the South  
25 Atlantic and the FWC, et cetera, I think, in my opinion, there's  
26 an opportunity, on multiple fronts, to not only comment, and we  
27 can do that in the initial letter, and it says that we think  
28 that it needs to evolve, but it also needs to evolve in  
29 discussion with all of those involved, and so there's two parts  
30 to that. I think, in the letter, we are in fact commenting on  
31 the definition as it exists, okay, and so I think we're okay,  
32 but I will let other people weigh-in. Mr. Strelcheck.

33

34 **MR. STRELCHECK:** I agree with you, Dr. Frazer, and, you know, at  
35 least my understanding, and Beth can correct me if I'm wrong,  
36 is, you know, now is the time to weigh-in on the definition,  
37 from a proposed rule standpoint, but, because we're developing  
38 this protocol, this agreement, the FWC, the NOS, and the  
39 National Marine Fisheries Service, on behalf of the councils, is  
40 all going to have to be signatories to this and in agreement  
41 with that protocol, at some point in time down the road, right,  
42 and so, although we're commenting now on the proposed rule, I  
43 think there's some other opportunity, obviously, to provide  
44 input as this protocol develops.

45

46 **MS. DIEVENEY:** Correct. Thank you, Andy, for clarifying.

47

48 **CHAIRMAN FRAZER:** All right, and so do we have any other

1 questions for Ms. Dieveney? Mr. Gill.

2  
3 **MR. GILL:** Thank you, Mr. Chairman, and so my question is on the  
4 hierarchical side of this, and that is say that the discussions  
5 regarding updating the protocol are not successful by the time  
6 the EIS is ready, and the rulemaking is ready to go final, et  
7 cetera, and does it go forward, the rulemaking go forward,  
8 anyway, and the protocol reverts back to the 1997, pending  
9 continuing discussions on updating it, or not?

10  
11 **MS. DIEVENEY:** I welcome Mara to provide some context too, but,  
12 if you go back to the timeline slide, and so one slide back, as  
13 far as timeline, the whole host of cooperative agreements that  
14 we have with our state cooperative management partners are being  
15 reviewed, updated, and finalized as part of this process. We  
16 will publish those updated agreements with the final  
17 environmental impact statement, and so these processes are  
18 intended to be going on concurrently and publish at the same  
19 time.

20  
21 To your question of hierarchy of regulations, and, Mara, this is  
22 where I welcome your input, the protocol clarifies -- It  
23 outlines and provides the context for all the different  
24 entities, their authorities, and jurisdiction for fisheries  
25 management and fisheries regulation.

26  
27 The protocol outlines how these, our respective entities, will  
28 consult, communicate, and collaborate on fisheries management  
29 issuing fisheries regulations, and the existing protocol  
30 identifies the respective authorities, roles, and it indicates  
31 that fishing regulations could take different pathways, and it  
32 would be done in agreement across the partners. Mara, do you  
33 have anything to add?

34  
35 **CHAIRMAN FRAZER:** Ms. Levy.

36  
37 **MS. LEVY:** No, and, I mean, I think you covered it. I mean, we  
38 get a lot of questions about which regulations apply in the  
39 sanctuary, right, and so they're sanctuary regulations, and they  
40 apply in the sanctuary. To the extent that there are  
41 regulations related to fishing that apply generally, and don't  
42 conflict with the sanctuary regulations, right, those would  
43 apply, and there is a process laid out in the statute about how  
44 the sanctuaries and the councils interact when it comes to  
45 fishing regulations, and all of that is kind of included in the  
46 current protocol, and would be included in the updated protocol,  
47 but it's guided by what the law says the respective entities are  
48 responsible for.

1  
2 **CHAIRMAN FRAZER:** Kind of implicit, right, in those comments  
3 were that a revised protocol has to be agreed upon and in place  
4 for the new rule to move forward.  
5

6 **MS. LEVY:** I think the intent is to have everything happen  
7 together, right, but, I mean, ultimately, the law is the law,  
8 right, and so, I mean, I don't want to speak for the sanctuary,  
9 and I think that the idea is that everything moves forward, and  
10 everybody -- I mean, there are three entities involved in the  
11 management of the sanctuary, and so it's important that you have  
12 a protocol that actually reflects the current management and the  
13 process that you all want to use to coordinate to actually  
14 manage, and so I would not suggest that, you know, we don't have  
15 a protocol, and we just run forward, and I don't think the  
16 sanctuary wants to do that. This whole thing is so that  
17 everything lines up together, and I think that should be the  
18 goal, and that's what everyone should be striving for.  
19

20 **CHAIRMAN FRAZER:** Mr. Gill.  
21

22 **MR. GILL:** Thank you, Mr. Chairman, and so I understand the  
23 intent, and it makes sense to get it all together and do it all  
24 at once. What I'm asking is the what-if. What if the protocol  
25 is not agreed to by all the partners, and the EIS is done, and  
26 the rulemaking is ready to go final, but we don't have a  
27 protocol agreement, and what then?  
28

29 **MS. DIEVENEY:** Where I said, Mr. Gill, is we're going to do our  
30 best to move these forward, and, if that what-if does come to  
31 pass, then, at that time, we would have to determine the best  
32 next steps for this rulemaking process and completing that for  
33 the rulemaking and for what our stakeholders and our public  
34 expect, and, you know, we need to honor that, and also honoring  
35 this partnership and finalizing and developing this protocol,  
36 but, right now, I can't surmise what we would do in that what-if  
37 situation.  
38

39 **CHAIRMAN FRAZER:** Okay. Dr. Porch.  
40

41 **DR. CLAY PORCH:** Thank you. I am looking at this slide here,  
42 and we see that drafting has already started, and it says NOAA,  
43 FWC, and, I guess, fisheries management councils, and I am  
44 wondering who from NOAA is engaged in this at this point, and it  
45 goes to some of the previous questions that came out, and  
46 there's a lot of issues that would be good to address kind of at  
47 the frontend, as you develop the draft, because I see, after the  
48 draft is produced, there's only kind of a couple of months to

1 review, and so I think it would be good to address some of these  
2 issues early, including, from my perspective, how the various  
3 science enterprises collaborate. Thank you.

4  
5 **CHAIRMAN FRAZER:** Real quick, and I know there's a couple of  
6 hands up, but, Ms. Dieveney, do you want to answer the question  
7 of who is involved from NOAA at this point?

8  
9 **MS. DIEVENEY:** Sure, and I also welcome my NOAA Fisheries  
10 colleagues there to provide more context, but, currently, we  
11 have engaged partners with the Southeast Regional Office, and I  
12 know both Mara Levy and Monica Smit-Brunello have been involved  
13 earlier, and continue to be involved, but our lead point of  
14 contact at National Marine Fisheries, in the SERO office, is  
15 Lauren Waters, to then coordinate beyond that.

16  
17 **CHAIRMAN FRAZER:** Okay. Thank you. Mr. Anson.

18  
19 **MR. KEVIN ANSON:** Thank you, Dr. Frazer, and I'm not on your  
20 committee, and thank you for recognizing me. I just wanted to  
21 take this opportunity now, outside of the Full Council  
22 discussion, while Ms. Dieveney was on the phone, but some of the  
23 comments, and concerns, I've heard from fishermen, over the last  
24 several months, relate to the issue of the protocol and then the  
25 process by which decisions are made relative to fishing  
26 regulations inside the sanctuary.

27  
28 I have heard, and seen in your presentation today, two words,  
29 and they are somewhat complementary, but they're also  
30 conflicting, relative to this process, or proposal, and that is  
31 that the entities will meet and discuss collaboratively, and  
32 then that they will meet and come to an agreement, and so  
33 they're two different, I guess, and that's where I hear some of  
34 the concerns, again, from the fishermen are. You know, how much  
35 input, in the final decision-making process, will be related to  
36 fisheries, and will the protocol take shape, and there is  
37 currently -- As you look at the timeline, that has yet to be  
38 finalized and determined, and that is where their concern is.

39  
40 I guess I'm just looking more for, process-wise, what is the --  
41 What has been the protocol, relative to fisheries decision-  
42 making, under the current agreement, or agreements, that are in  
43 place for making decisions related to fisheries, as far as,  
44 again, a final decision on fisheries, and is there an equal  
45 vote, I guess, for each of the participants, or is there not an  
46 equal vote, in the current environment?

47  
48 **CHAIRMAN FRAZER:** Ms. Dieveney.

1  
2 **MS. DIEVENEY:** I will take the first crack at responding to  
3 this, and, C.J, and my NMFS colleagues, maybe you will have  
4 something to add, but the protocol is intended to identify  
5 respective authorities, jurisdictions, and the process by which  
6 the partners, NOAA, FWC, and the fishery management councils,  
7 will coordinate and consult, given our respective authorities  
8 and jurisdictions.

9  
10 Specific to how the protocol is applied, I would turn to our  
11 current rulemaking, and this draft rule, this current process,  
12 and the sanctuary is bringing this draft rule before our  
13 respective fishery management partners, FWC and the fishery  
14 management councils, to consult and comment and inform that  
15 draft rule and final rule.

16  
17 One of the authorities within the fisheries protocol, which is  
18 really driving our engagement at this time, is the National  
19 Marine Sanctuaries Act, and, specifically, 304(a)(5), which  
20 provides us the requirement to consult with the respective  
21 fishery management councils and provide the opportunity for  
22 fishery management councils to review and draft fishing  
23 regulations that are -- That meet the goals of the sanctuary or  
24 defer to the sanctuary to use National Marine Sanctuary Act  
25 authority to draft those regulations. I don't know if that  
26 specifically answers your question, but that is the best example  
27 I could provide for how the protocol is, and can, be applied.

28  
29 **CHAIRMAN FRAZER:** Mr. Anson.

30  
31 **MR. ANSON:** Well, it provides further clarification, and I  
32 appreciate that, but I guess still, from my perspective, and,  
33 again, listening to the questions, or the concerns, from the  
34 fishermen, it's that, you know, if there is a consultation, and  
35 there is an open process for communication, and it's  
36 transparent, and everybody has the opportunity to voice their  
37 opinion, if the overwhelming majority of the folks that are part  
38 of that protocol are against a certain fishery regulation, would  
39 it still be available within what's been discussed here relative  
40 to this next iteration, and would it still be available to the  
41 sanctuary to still go ahead and impose those more restrictive  
42 regulations?

43  
44 **CHAIRMAN FRAZER:** Ms. Dieveney.

45  
46 **MS. DIEVENEY:** If they are intended to meet the goals of the  
47 sanctuary, yes.

1 **CHAIRMAN FRAZER:** Ms. Levy.

2  
3 **MS. LEVY:** I just want to make sure that we're careful between  
4 the protocol, which is what the three managing entities are  
5 agreeing to, in terms of the process that they're going to  
6 engage in, versus the authorities under which fishing  
7 regulations are implemented, because they're two separate  
8 things, right, and so, you know, the authority to implement  
9 fishing regulations in the sanctuary is up to the Secretary.

10  
11 There is a requirement, in the National Marine Sanctuaries Act,  
12 about consulting with the fishery management councils, and it  
13 gives the fishery management councils the opportunity to propose  
14 regulations, right, that are in line with the sanctuary  
15 objectives, but, ultimately, the Secretary of Commerce, which is  
16 over both the council and the sanctuary, decides what fishing  
17 regulations are appropriate.

18  
19 I just -- I think the protocol is really important, because it's  
20 going to outline how you are going to interact, these three  
21 bodies, but it is separate about the authority to actually  
22 implement fishing regulations, and I'm talking federal waters,  
23 because state waters are a whole separate ballgame about fishing  
24 regulations.

25  
26 **CHAIRMAN FRAZER:** Thanks, Mara. C.J., did you have anything  
27 else that you wanted to add here?

28  
29 **DR. SWEETMAN:** Sure. I mean, so we've, obviously, worked  
30 together, council staff, on both councils actually, as well as  
31 our NOAA Fisheries colleagues, to try and draft an updated  
32 version of this for sanctuary review. Just for everyone's  
33 information, it is currently sitting with them, and we sent that  
34 several months back, and so we're just kind of waiting for next  
35 steps on that, but, from our understanding, based on just  
36 previous discussions, both at the South Atlantic Council and the  
37 Gulf Council, one mechanism that we're throwing in there is for  
38 FWC to kind of be the liaison, for communication purposes,  
39 between the sanctuary and the councils, along those levels, and  
40 so that's probably the only thing that I would like to add  
41 there, Tom.

42  
43 **CHAIRMAN FRAZER:** All right. Thanks, C.J. Are there any other  
44 questions for Ms. Dieveney? All right. I'm not seeing any  
45 questions. I am trying, Mr. Chair, to keep us on schedule, to  
46 the best of our ability, and I think that we can maybe make it,  
47 but if you want to give me a little latitude here.

48

1 **MR. DIAZ:** You have some latitude, Dr. Frazer.  
2

3 **DRAFT COUNCIL LETTER TO THE FKNMS**  
4

5 **CHAIRMAN FRAZER:** All right. I think the next item on the  
6 agenda has to do with the letter from the council itself, and I  
7 will let Natasha kind of just outline the nature of the letter,  
8 but I would preface her comments by saying that I think that she  
9 did a really good job, and staff did a really good job, of  
10 trying to consolidate all of the comments from the various APs  
11 and provide some messaging that would be valuable for the  
12 sanctuary, moving forward, and so I think what we're looking  
13 for, at this point, is major objections to the letter.  
14

15 If there are, we would certainly want to try to correct those,  
16 or modify them, prior to Full Council, and make any other minor  
17 edits. The reason is because we will have to submit this letter  
18 prior to the next council meeting, and so keep that in mind as  
19 you listen to what Dr. Mendez-Ferrer has to say, and so,  
20 Natasha.  
21

22 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair, and so this letter was  
23 drafted taking into consideration all of the recommendations  
24 from the APs, and also going back to that original letter that  
25 we submitted regarding the DEIS, taking from the council's  
26 discussions that were had regarding the expansions and whatnot,  
27 and so those are included here.  
28

29 If there is any opposition to the information that's included  
30 here, this would be the time to bring that up, so that we can  
31 make all the edits and then, you know, present the letter to  
32 Full Council, and so I think we would also need a motion.  
33

34 **CHAIRMAN FRAZER:** So we've got two hands up, and I will start  
35 with Ms. Boggs and then Dr. Sweetman.  
36

37 **MS. BOGGS:** Thank you, Mr. Chair, and so I still -- I don't have  
38 any language to offer, and I will at Full Council, but I still  
39 think we need to be a little more explicit with "traditional  
40 fishing" and what we would like to see there, and I just -- The  
41 presentation, as I recall prior, several months ago, it just was  
42 very vague on what traditional fishing was, and to better  
43 understand what happens with the language that's in the current  
44 protocol, and is that now nullified, and this is what takes  
45 place, which is very vague, and, if we can get some more  
46 specific language, in the letter, about what "traditional  
47 fishing" is, what we would like to see, I would appreciate that,  
48 and I will try to have some language at Full Council.

1  
2 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Boggs. Dr.  
3 Sweetman.  
4  
5 **DR. SWEETMAN:** Just a quick question, and so, with everything  
6 that Susan said, and some of our previous conversations, do you  
7 need anything else from the council to incorporate some of the  
8 previous discussions that we've already today within the letter?  
9  
10 **DR. MENDEZ-FERRER:** If we're going to put the discussion about  
11 the no anchoring, maybe that would be something that we need to  
12 incorporate, and so maybe we can work together on that language.  
13  
14 **DR. SWEETMAN:** Yes, that's fine with me, and, also, yes, just  
15 the enforcement thing that I was bringing up earlier too, and so  
16 I'm good with that.  
17  
18 **CHAIRMAN FRAZER:** Okay. Mr. Gill.  
19  
20 **MR. GILL:** Thank you, Mr. Chairman. I think one change that I  
21 would recommend that we put in in the letter is in the temporary  
22 regulations, and that's the emergency rulemaking discussion that  
23 I had with the Shrimp AP chair. As it's currently worded, it  
24 says "request that rulemaking be limited to 180 days, when  
25 possible", and so it's open-ended, and I think, consistent with  
26 what we do, that we should insert, after that, "except that it  
27 should not exceed a 180-day extension, under any circumstances",  
28 or something to that effect, to put a limit on what they should  
29 consider for emergency rulemaking. Thank you.  
30  
31 **CHAIRMAN FRAZER:** Okay, Mr. Gill. Thank you very much for that,  
32 and so, if there's -- Ms. Levy.  
33  
34 **MS. LEVY:** Well, just to note that, in the proposed rule, it  
35 says that any temporary regulation may be in effect for up to  
36 six months, with one six-month extension. Any extension  
37 requires the same procedures. Additional, or extended, action  
38 beyond 365 days will require notice and comment rulemaking under  
39 the Administrative Procedure Act, and so it does have that  
40 language, as proposed.  
41  
42 **CHAIRMAN FRAZER:** Is there any need, Mr. Gill, to modify the  
43 language in the letter? Okay, and so it looks like there's a  
44 couple of issues that we can work on in the interim, between now  
45 and Full Council, and we'll get with C.J. and Ms. Boggs and  
46 bring something back to folks to approve or disapprove at Full  
47 Council. Okay. Mr. Strelcheck.  
48

1 **MR. STRELCHECK:** I will keep it brief, Mr. Chair. Just a couple  
2 of comments, and I think it's great that we're including the  
3 advisory panels' input and then, obviously, making specific  
4 recommendations. In several of the comments, reading through  
5 the letter, I'm missing the why, right, and it's kind of like  
6 we're opposed to it, but it doesn't really say why, and so I  
7 think we should be very thoughtful, and careful, in terms of  
8 explaining our opposition and not simply just because the AP  
9 recommended, you know, we weren't in favor, or we were  
10 supportive of it, and so I would recommend staff kind of  
11 carefully look through this, as well as council members, and  
12 provide some further input by Full Council.

13  
14 **CHAIRMAN FRAZER:** To that point, Mr. Strelcheck, I was wondering  
15 -- So there was, as part of the briefing materials, there was a  
16 compilation of the comments by the various APs that provides a  
17 lot more background and rationale, perhaps, for some of the  
18 motions that they made and what was incorporated into the  
19 letter, and maybe it might be appropriate to append, to the  
20 letter, this compilation, to provide that context, or do you  
21 want to think about how we might add specifics in the letter at  
22 this late date?

23  
24 **MR. STRELCHECK:** So, to respond, being a rulemaking agency, like  
25 the NOS is going through right now, I think the more specific  
26 and explicit we can make our comments, and the easier we can  
27 make them to read, and essentially react to and respond to, the  
28 better, and so appending, obviously, the AP documents is  
29 helpful, but that's a lot more information they have to wade  
30 through.

31  
32 Also, because the APs had differences of perspectives and  
33 opinions, it complicates the matter, and so I think we need to  
34 be specific, from a council standpoint, on what we agree or  
35 disagree with, in terms of the AP advice.

36  
37 **CHAIRMAN FRAZER:** Got that. Thank you very much, Andy. All  
38 right, and so we've got a little bit of work to do, between now  
39 and Full Council, to make some improvements, and I appreciate  
40 the suggestions that were made by everybody towards the end, and  
41 so we have one more agenda item, Mr. Chair, and that's a  
42 presentation by Dr. Basher on our Coral Reef Conservation  
43 Program.

44  
45 **MR. DIAZ:** Let's work through that agenda item, and then,  
46 whenever we finish up the committee, we're going to take our  
47 full hour-and-a-half lunch, and we'll start back after we  
48 finish, and so thank you, Mr. Chair.

1  
2 **CHAIRMAN FRAZER:** Thank you, Mr. Chair. Dr. Basher. All right,  
3 and so we're just getting the presentation online, but we can  
4 certainly work through the action items, and so, Dr. Basher, if  
5 you want to let us know what you're going to do, and what you  
6 expect from us, that would be great.

7  
8 **CORAL REEF CONSERVATION PROGRAM UPDATE**  
9

10 **DR. ZEENATUL BASHER:** Thank you, Mr. Chair. I am going to  
11 present an update for the CRCP program for the last few years,  
12 and so what I expect from the council is just giving input for  
13 information and data which we might be missing through what I  
14 present here, and so any input or additions is very welcome.

15  
16 The outline of the review, I will just present, briefly, what  
17 the CRCP program is asking us to do, and particularly, for this  
18 presentation, I will be presenting what we did for the most  
19 recent grant, which finished in 2020, and I will be presenting  
20 some of the data repositories and commenting on different tasks,  
21 which includes like learning modules, web applications, and how  
22 we engage the stakeholders, and some of the information  
23 dashboard, which might be useful for the council members and  
24 other stakeholders.

25  
26 I will also highlight some of the products, which might be  
27 relevant to this group in the future or currently, and some  
28 future activities includes what we are going to do for the next  
29 CRCP grant, which is currently ongoing right now.

30  
31 The CRCP grants, you can see they run in three-year cycles, and  
32 so we are having like three different three-year cycles in the  
33 past, and so 2011 to 2013, which was focused on deep-sea  
34 learning, and we produced different deep-sea ecosystem digital  
35 posters and spec sheets and distribution models.

36  
37 Then, for 2014 to 2016, we just focused on expanding the digital  
38 content for the corals, and we produced a coral EFH and HAPC  
39 applications, developed species-specific models, and, also, we  
40 communicated and coordinated with management partners on what  
41 are the things that we are doing.

42  
43 Then, in the 2017 to 2020 grant, we just focused on endangered  
44 coral species, and we produced different learning modules for  
45 deep-sea corals, life history, and climate change effect on  
46 corals. Then application and decision-support tools for ESA  
47 coral distribution, HAPCs, and we also produced a dive booklet  
48 and hosted an ESA coral database.

1  
2 For particularly this presentation, I will be presenting  
3 information on products that we produced over the last two  
4 years, from 2020 to 2022, that we just finished. This  
5 particular grant was focused on addressing the changes in the  
6 coral reef habitats and potential management implications to  
7 promote the sustainability of coral-reef-associated fisheries in  
8 the Gulf of Mexico using cooperative scientific review, broad  
9 stakeholder engagement, and spatial decision support tools.  
10 Most of the tasks in this grant is divided into different  
11 activities.

12  
13 For the Task 1 of this grant, we just had the objective of  
14 identification of potential additional coral habitat areas for  
15 protection and an evaluation of the effective of current  
16 management areas for these coral reefs.

17  
18 To that objective, we used different methods, first  
19 incorporating information we gathered from a review of recent  
20 scientific studies, existing habitat protection measures,  
21 fishing activities, and monitoring outcomes. Then we evaluated  
22 the performance of existing management areas, measured by  
23 comparing the coral coverage inside or adjacent to managed  
24 areas, and we created different outreach materials, in the form  
25 of learning modules and decision support tools, and we published  
26 them in the coral portal.

27  
28 A web application which some of you might be aware of, and this  
29 is like the most recent application, and this is the Coral HAPC  
30 Explorer, which incorporated both the past HAPC Explorer  
31 application, which has all the HAPC areas in the Gulf of Mexico,  
32 and also the new Coral 9 HAPC areas, and this application has  
33 all the detailed rules for each of the areas, and you can see  
34 what the rules are, or the regulations, where there is an  
35 existing -- Some of the coral areas have fishing regulations,  
36 and some don't, and so you can explore it through these  
37 interactive applications.

38  
39 We produced a learning module which explains the different  
40 fishing and coral aggregation spawning areas and how they are  
41 connected to each other, and I am not going to get into it, and  
42 it's a learning module, and so, if you have any questions, just  
43 contact me later.

44  
45 Another learning module we produced is related to the spiny  
46 lobster closed areas and like where these areas are in the Gulf  
47 and whether they are effective on protecting the corals, like  
48 more generally what they are intended to do, and so we did an

1 analysis, and the results of the analysis is in this learning  
2 module, and so there is more details in the learning module, if  
3 you want to review it.

4  
5 The Task 2 of the proposal, or the grant, was to assess the  
6 changes in the coral reef habitat composition. In this  
7 objective, it was identify the coral reef habitat composition,  
8 and, by habitat composition, that means both coral reef and  
9 associated species coverage for the particular areas, to improve  
10 the management of coral reef and associated resources in the  
11 future.

12  
13 We did this through an extensive review of literature and data,  
14 to assess the changes in the how the habitat composition has  
15 changed between different uses, using what invasive species are  
16 affecting the habitats, or the climatic and non-climatic  
17 stressors, and, also, we conducted a survey of the stakeholders,  
18 to identify whether they had seen any changes, and we  
19 incorporated this information into the data we gathered through  
20 the literature review and other reviews. We also did a  
21 comprehensive coral disease dashboard, which is combining all  
22 the information from different agencies together.

23  
24 One of the learning modules from this task was to create a  
25 learning module on invasive species in the Gulf, and this  
26 contains the invasive species of lionfish, orange cup corals,  
27 and some other sponges and other species, and there are more  
28 details about the distribution of these species, and maps,  
29 available through the learning module, and so, any information  
30 which you might know that is missing from this learning module,  
31 if you contact me, I will add that into this.

32  
33 We created another learning module, which is showing like what  
34 are the non-climatic stressors affecting the coral reefs, and  
35 non-climatic means like oil spill incidents, red tide events, or  
36 hurricane-induced stressors that are modifying the habitats, and  
37 so this learning module has like a vulnerability index for the  
38 coral, specifically for the non-climatic stressors, and so we  
39 identified some areas which are affected by multiple non-  
40 climatic stressors that may be displacing the corals from those  
41 particular locations.

42  
43 Involving the stakeholders is important for any decision-making  
44 process, and so we tried to -- We did a survey of the  
45 stakeholders, and we've done the survey for two years, and so we  
46 got input from I think it was thirty-nine people, in total, and  
47 so we put all the information together into a learning module,  
48 and also it will be available shortly on the website, and so

1 this learning module shows what are the perceptions of the coral  
2 reef habitat for the Gulf, from the stakeholders' perspective,  
3 and we also incorporated information that we got from the  
4 individual species coral reef climatic stressors together, to  
5 see whether the perceptions of habitat change in these areas --  
6 If what the stakeholders are seeing of the coral damaged, or  
7 vanishing, over the years matches with the perception of the  
8 actual data that we get through different information.

9  
10 The coral disease dashboard, and so we know about the stony  
11 coral tissue loss disease dashboard, and that's available  
12 through different agencies, and so this dashboard has that  
13 information, and also the information of all past coral disease  
14 incidents in the Gulf, and it combines all the information into  
15 one dashboard, and we thought that might be useful for many of  
16 the things that council and other stakeholders use, and so this  
17 is a live product, and so stony coral tissue loss disease can be  
18 got through that other dashboard, and, if you know of other  
19 resources where you can get disease data from, we'll be happy to  
20 put those in here and update it.

21  
22 Some of the CRCP deliverables which I think will be useful for  
23 the council and other members are we have that predictive model  
24 for Gulf corals, and it's for fifteen different coral species,  
25 common coral species, in the Gulf, and it's a predictive model,  
26 and so there is a white paper associated with it, and also an  
27 interactive application, where you can explore the model  
28 results.

29  
30 This model also has like future predictions of like how the  
31 coral habitat will be shifting in the future, with climate  
32 change or whatever is happening, and so it's a very good tool to  
33 explore, interactively, through our website, and the white paper  
34 has all the details of what are the model parameters that have  
35 been used for developing the models.

36  
37 Another -- We did like a spatial management effectiveness  
38 analysis of where we identified the spatial fishery management  
39 areas we have right now and whether they are effective for the  
40 original purpose they were developed for, whether they are  
41 protecting the fishery species or coral species in their area,  
42 and so, while doing so, we also created like a species diversity  
43 aggregation information into those particular areas, and so all  
44 of this analysis is available as a white paper, and also an  
45 interactive application, so you can go through and see, for  
46 different regions, what the diversity, fishery diversity or  
47 species diversity, is, focused in the Gulf.

48

1 The corals guidebook, like I mentioned earlier, is available as  
2 a very -- Like a handy waterproof guidebook, and you can just  
3 take it to go anywhere, to dive into the Gulf and see what coral  
4 species are there, and there is information about each of the  
5 coral species, and there is also like space in the back where  
6 you can write down where you've seen the coral, what particular  
7 locations, and this is available for download from the website,  
8 as a digital.

9  
10 Some of the coral deep-sea learning modules that were just  
11 produced from the past grants, and I know that there is a lot of  
12 information available from other resources, and we have compiled  
13 everything together into like six different learning modules for  
14 common coral deep-sea learning about coral species, and so these  
15 are available through this learning models that you see up here.

16  
17 Also, our publicly-accessible geospatial data portal, and this  
18 portal has all the GIS layers that we have produced throughout  
19 the years, and we are constantly updating it, and so anything  
20 that you might be looking for, from the Gulf Council area, if  
21 you don't see it in the portal, just email me, and I will be  
22 able to share it to the portal.

23  
24 As a summary, the different outreach materials available for  
25 council and other members are the coral booklet, the coral  
26 portal and geospatial data hub, and we have a lot of learning  
27 modules, and there were will new modules through different  
28 activities in the future also, and we have interactive web  
29 applications, which can be utilized for gathering different  
30 information sources.

31  
32 For the future, our current CRCP grant, we are planning to work  
33 on the activities which focus on the identification of factors  
34 influencing coral health, associated fisheries, and we plan to  
35 develop key indicators for assessing coral reef vulnerability in  
36 the Gulf, and this is combining all the factors together, and we  
37 plan to produce a lot of new learning modules and new web  
38 application tools in the future. Thank you. Any questions?

39  
40 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Basher. Clearly  
41 there's a lot of work that's been done through the program, but  
42 I do recognize that we're tight on our schedule right now, but I  
43 would encourage everybody on the council to think about all the  
44 products that have been developed and spend some time, if you're  
45 able, to talk with Dr. Basher about what we might be able to do  
46 to improve on those products, moving forward, and so I thank you  
47 for that work, and it's actually quite excellent.

48

1 **DR. BASHER:** Thank you, Mr. Chair.

2

3 **CHAIRMAN FRAZER:** You betcha. Mr. Chair, I think, in the  
4 interest of time, unless there's any other business to come  
5 before the committee, I will hand it back to you.

6

7 (Whereupon, the meeting adjourned on January 30, 2023.)

8

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