



## GRAY'S REEF NATIONAL MARINE SANCTUARY ADVISORY COUNCIL WEBINAR – APRIL 27, 2017

<u>Sanctuary Advisory Council (SAC) Attendees</u>	<u>Gray's Reef National Marine Sanctuary (GRNMS), and Office of National Marine Sanctuary (ONMS) Staff</u>
Rick DeVictor, Chair Michael Denmark, Vice-chair Anna George, Secretary Peter Auster Mark Carson Pat Geer Tim Henkel Kevin Mitchell Scott Noakes Mark Padgett Tim Tarver Jene Nissen (via phone)	Sarah Fangman Marybeth Head Chris Hines Jody Patterson Kim Roberson  <u>GRNMS Foundation</u> Vicki Weeks  <u>NOAA Office of the General Counsel</u> Karen Raine
<u>SAC Members Absent</u> Mona Behl Dustin Rhyan Mary Conley LT Warren Fair Warren Hupman Suzanne VanParreren	<u>Public in Attendance</u> Mandy Harvey ( <i>GRNMS volunteer and today's note taker</i> ) Shelby Johnson Charlie Simons

### Advisory Council Business

After a roll-call of attendees, Council chair Rick DeVictor called the Gray's Reef National Marine Sanctuary (GRNMS) Advisory Council webinar to order at 3:03pm. He and Sarah Fangman welcomed members, staff and public in attendance and briefly reviewed the agenda. Once a quorum was convened, the February 28, 2017 SAC meeting summary was unanimously approved with no changes.

### Penalty Schedules

As a follow-up to a discussion at the February SAC meeting, Karen Raine of the NOAA Office of the General Counsel Enforcement Section was invited to speak on the penalty schedule for illegal fishing activities in Gray's Reef. The authority to establish monetary penalties falls to the Office of General Counsel. The penalty policy sets forth a monetary penalty schedule for all violations and the Office of General Counsel considers the gravity of the illegal action and the degree of culpability to determine the amount of each penalty on a case-by-case basis. The maximum penalty is currently \$170,472 in all National Marine Sanctuaries, including GRNMS. Penalties are generally adjusted annually for inflation.

In addition to monetary penalties, enforcement allows for seizure and forfeiture of vessels used and sanctuary resources taken in violation. This is used as a last resort, with enforcement actions falling into numerous categories listed below in ascending order of severity.

1. Outreach & education
2. Verbal warnings & fix-it tickets from the NOAA Office of Law Enforcement
3. Summary settlements & written warnings
4. Written Warnings
5. Civil enforcement
6. Criminal enforcement

All violators are entitled to a court hearing to challenge the penalties, but Karen stated that the majority of cases are settled without a court hearing.

Following Karen's overview of the penalty process, the group posed several questions. Sarah Fangman pointed out that GRNMS is fortunate not to have a high frequency of penalty situations, but wondered where the most violations are observed and if the penalties are an effective deterrent. Karen stated that, to her knowledge, most cases in our region occur in the Florida Keys. She said the summary settlement schedule appears to be doing its job, but stressed that the Office of General Council is always willing to work with individual sanctuaries to re-evaluate as necessary.

Peter Auster asked if there are any additional penalties for fishing violations within a sanctuary and asked how and how often the penalty schedule is updated. In response, Karen stated that there are no add-on penalties associated with a violation within sanctuary boundaries. She went on to explain that the Office of General Counsel is responsible for creating and maintaining the schedule, which is updated approximate every four years. Public comments were solicited for the current penalty schedule which went into effect in 2014.

Rick DeVictor asked if violations are made public in any formal way, which they are via the General Counsel website (<http://www.gc.noaa.gov/enforce-office.html>), with the exception of summary settlements.

Rick thanked Karen for her participation in today's meeting and Karen welcomed SAC members to contact her with any follow-up questions.

#### Update on Diversity Text Amendment to the GRNMS Sanctuary Advisory Council Charter

Chris Hines provided an update on the proposed amendment to the advisory council charter addressing diversity and inclusion. The proposed changes agreed to by the SAC during the February 28 council meeting were forwarded to and approved by the ONMS. The approved text reads as follows:

- The resources ONMS manages differ in size, species, depth, color, culture, and countless other ways. This rich diversity is part of our natural heritage, a gift to be discovered, appreciated and protected. Whether a natural ecosystem or a human community, diversity creates strength and resilience. By recruiting for and representing the equally remarkable diversity of advisory council members, ONMS can leverage new creativity, knowledge, and experiences to achieve its vision of a thriving sanctuary system that protects our nation's underwater treasures and inspires momentum for a healthy ocean. (*Page 1, SAC Policy Statement*)
- When non-governmental seats become vacant and are advertised, the appointment of members will balance institutional memory and experience of the council with infusions of fresh perspectives and ideas. The desire is to have a diversity of individuals on the council to engage fully in discussions. GRNMS strives to make its Advisory Council diverse and inclusive, composed of members who are representative of the communities they represent. (*Page 6, Members Alternates and Officers—Non-governmental Seats*)

The SAC members in attendance agreed that staff should move forward with incorporating the text into the GRNMS Advisory Council Charter.

During group discussion, Rick DeVictor stated that he shared the proposed amendment with the other national SAC Chairs during their recent meeting, where it was extremely well-received. Other sanctuary councils may consider amending their charters with this, or similar, language. Peter Auster stressed that it may be important to define exactly what is meant by "community". Sarah Fangman provided some insight into staff discussions on this issue and the need to balance status as a national resource with the desire to be a vital part of the local community.

#### Law Enforcement Letter Update

Rick DeVictor provided an update on the Law Enforcement letter discussed during the February 28 council meeting. This letter outlines law enforcement needs in national marine sanctuaries and is intended to draw attention to the law enforcement issues common to all sanctuaries. Addressed to the incoming NOAA Administrator, the letter has now been signed by 13 NMS Advisory Council Chairs, including Rick. The next step is a determination by the ONMS on whether the letter will be advanced. Timing of this decision may be dependent upon the appointment of the new NOAA Administrator.

#### Science Advisory Group Update

Peter Auster, chair of the GRNMS Science Advisory Group (SAG) presented a detailed summary of the annual SAG meeting conducted on March 1 of this year. This included a review of 2016 GRNMS dive operations (370+ dives and 174 hours underwater), proposed changes in the deployment of the 17 telemetry receivers located within GRNMS, an update on the GRNMS soundscape and acoustic inventory, and a review of key ongoing research projects at GRNMS including CO<sub>2</sub> monitoring, a glider/acoustic fisheries study, an ongoing assessment of sessile benthic invertebrates inside and outside of the research area, echinoderm surveys, long-term reef fish monitoring, fish & structural habitat surveys comparing the research area to the open management area, persistence of large predators, aspects of predator-prey interactions of piscivores, and fisheries acoustics. The SAG also discussed the 5-year report for the research area and a potential meeting of the group this fall to work on the climate vulnerability assessment.

At the end of his presentation, Dr. Auster discussed a letter from the SAG to the SAC outlining preliminary guidance for addressing ecological effects of visitor use on GRNMS. This topic was first discussed during the February 28 SAC meeting and there was concern about the challenges inherent in identifying the degree of present and future human activity in GRNMS, any related impacts, and the identification of human-use and associated ecological indicators when patterns of use significantly impact GRNMS resources. The SAG was tasked to provide comment on this issue and general guidance that could be applied to initial decisions about addressing information needs and identifying potential ecological impacts.

Rick DeVictor and Sarah Fangman thanked Dr. Auster for his presentation and expressed gratitude for his outstanding service as chair of the SAG. Rick then enquired if the letter outlining the SAG recommendations on the assessment of human impacts should be reviewed today or held for a future in-person meeting. Michael Denmark suggested that the letter should be reviewed during the next in-person meeting of the SAC. There were no objections to this approach from the group.

Michael also stated that the importance of the research area is reinforced by the possibilities the area presents relative to assessing human impact and recommended that an accurate gauge of human impacts outside of the research area, and perhaps outside of the sanctuary itself, should also be investigated. Tim Tarver offered that he would not expect to see too much variability between the sanctuary at-large and the research area because fish move freely between the two. Rick stated that time will be needed to detect any differences between the research area and the open management area and expressed concern that the lack of any detectable differences today could erode public support for the research area. Dr. Auster stressed that although there is currently no "scorched earth"

scenario, without the research area there is really no way to know how natural variability contributes to changes. Pat Geer agreed that 5 years is not a very long time to assess differences and alerted the group that several Sea Grant proposals have been put forward to conduct additional research at GRNMS.

Sarah Fangman let the group know that she shared the SAG recommendation letter with staff at the ONMS and they would like to work closely with GRNMS on this issue. In addition, ONMS will share the letter with other sanctuaries in the event they can incorporate into their management strategies.

(Editor's Note: A synthesized version of the SAG report will be shared with the SAC once it is ready.)

#### Recreational Fishing Working Group Update

Tim Tarver provided an update on the recent activities of the recreational fishing working group, which is charged with finding better ways to communicate and promote collaboration with recreational fishing interests, raise awareness of GRNMS, enhance compliance, and obtain more visitor use information. The group most recently met on Tuesday, April 25 in Brunswick.

The meeting opened with a presentation by January Murray of the Georgia Department of Natural Resources (DNR) on the DNR's artificial reef program. DNR organized a boat trip for the working group aboard the R/V Anna. The group experienced a DNR trawl and had engaging conversations with the Captain and crew. The working group then discussed criteria for selecting projects that the working group could initiate. Potential projects suggested include developing fishing programs for children, citizen science initiatives such as individual fishing reports or tagging operations, habitat construction outside of GRNMS, improving GRNMS outreach and communication to the sport fishing community, increasing knowledge of sustainable best fishing practices through the distribution and demonstration of descending devices, a fishing charter recognition and certification program such as the Blue Angler program, development of a recreational fishing video, and providing an incentive to encourage anglers to submit underwater videos. (Editor's Note: During the working group meeting, the citizen science ideas, descending devices project, and recreational fishing video were three projects that generated encouraging discussion and significant interest. The certification program was not as well-received due to lack of demand by fishing charters. Habitat construction needs more discussion with DNR and the Science Advisory Group.) In addition, the group debated which of these areas of focus would have the most value for GRNMS, but did not reach consensus. Discussions on this topic will continue. Following the conclusion on the meeting, working group members joined Governor Nathan Deal for the signing of SB208.

Following Tim's presentation, Peter Auster offered the services of the SAG to answer questions and provide guidance on research-focused initiatives and asked if the recreational fishing group might be interested in facilitating a tagging program. Tim stated that a tagging program is perhaps a possibility and that he very interested in determining usage patterns at GRNMS and what is being harvested. Pat Geer added that the working group discussed various ways to educate the community on the use of descending devices and the possibility of linking this to a tagging program. Rick DeVictor encouraged the working group to reach out to Chip Collier and Amber Von Harten from the South Atlantic Fisheries Management Council (SAFMC) to identify any potential areas for collaboration.

#### **Council Member Reports**

NOAA Fisheries Update – Rick DeVictor updated the group on several issues, including the recreational fishing roundtables hosted by the National Marine Fisheries Service in March in Jacksonville and Houston. It became apparent during the roundtable that anglers are frustrated with fishery regulations and closures and would appreciate better communication on the reasons for the closures. Descending devices were also discussed. Tim Tarver attended the Jacksonville meeting and concurred with Rick's assessment.

The Scientific and Statistical Committee of the South Atlantic Fisheries Management Council met earlier today to discuss strategies to increase the quality and quantity of data collected from private recreational anglers and reduce the number of discards and discard mortality. This ties into the cobia and red snapper closures. The SAFMC asked for feedback from the committee on collecting data through a required federal permit for recreational anglers and requiring the use of descending devices. Rick stressed that these issues are in the early stages of discussion.

Rick also mentioned exempted fishing permits/letters of agreement and that one has been issued to Scott Noakes to utilize the lionfish trap he developed. The trap is very effective and produces limited by-catch. Rick invited Scott to present at an upcoming SAC meeting.

Beneath the Waves Film Festival – Scott Noakes reported that he, Michael Denmark and Sarah Fangman attended the *Beneath the Waves* film festival at Georgia Southern University in Statesboro earlier this month. The festival included nine films, one of which highlighted GSU's work establishing connectivity between the Altamaha River and GRNMS and other offshore area. Following the films, Scott, Michael, and Sarah participated in a panel discussion where they addressed questions from the attendees.

Speakers Bureau Update – Michael Denmark presented the slide kit to the Ogeechee Sailing Club earlier this month. There were over 50 people in attendance. The presentation took approximately 20 minutes, followed by a 15-minute Q&A session. Michael encountered two issues during the presentation—1) the LCD projector provided at the venue was not Mac compatible (Michael has since purchased a Mac-compatible projector and is donating it to GRNMS); and, 2) the video segment froze repeatedly. Staff is aware of the issue with the video and is working to remedy the situation. Michael encouraged other SAC members to utilize the presentation and thanked Jody Patterson and Chris Hines for their hard work on this project.

Ecotourism Initiative Update - Mark Padgett reported that he recently met with GRNMS staff to evaluate partnership opportunities with the local ecotourism industry. The group compiled a list of local ecotour operators, excluding fishing and diving boats, and identified six operators in the Savannah area to contact. Items that will be discussed with these operators include an overview of GRNMS and the objectives of the sanctuary. The goal is to encourage ecotourism operators to include information about GRNMS in their various trips and programs. In turn, their information may be included on the GRNMS Foundation website and additional networking opportunities may be offered. If these efforts are successful, the initiative will expand to more operators in the Savannah area and perhaps the Brunswick area as well.

### **GRNMS Report**

Sarah Fangman reported that the settlement funds from one of the two recent actions have been received. These funds may only be used for research, monitoring, or resource protection within GRNMS. Sarah has been asked to provide recommendations for potential project ideas to the National Marine Sanctuary Foundation (NMSF). Recommendations might include recreational fishing outreach activities, additional research programs, and strategies to establish usage patterns in GRNMS. Sarah suggested that a representative from the NMSF be invited to present at a future SAC meeting to provide descriptions of projects being considered for funding and detail how these projects support GRNMS.

Sarah and Scott Noakes will be featured in a livestream by Georgia Public Broadcasting on May 10 that will be viewed by over 14,000 students in classrooms throughout Georgia. Sarah will forward information on the livestream event to the SAC so they can join and/or forward to any interested educators.

Sarah will follow-up with additional information on GRNMS activities, including an update on the "So What" of GRNMS, via email.

St. Patrick's Day Parade – Jody Patterson reported on GRNMS participation in the 2017 Savannah St. Patrick's Day Parade on March 17. GRNMS built a reef scape-themed float which was viewed by the estimated 500,000 parade attendees. In addition, costumed characters accompanied the float and interacted with parade goers.

MATE ROVE Competition – Jody Patterson also reported on the annual GRNMS Southeast Regional MATE ROV competition that took place in Savannah on April 22. Sixteen teams from across Georgia participated in the event. The winner of the Ranger class will represent the Southeast Region in the national finals to be held in Long Beach, CA in June.

### **GRNMS Foundation Update**

Vicki Weeks provided an update on Foundation activities. She stated that a grant proposal has been submitted for a capacity building program for the Foundation. This program would be comprised of a series of promotional spots/commercials to raise awareness of the Foundation and would offer partnership opportunities for potential sponsors. Vicki encouraged SAC members to submit suggestions of local businesses that might be interested in working with the Foundation as sponsors of this project. In addition, the Foundation is investigating the potential for environmental education trips to other marine protected areas such as one in Cuba. Vicki invited the group to attend the 2017 *A Fishy Affair* event on September 22 at the Landings' Plantation Club in Savannah.

Vicki informed the group that she will be leaving the Foundation to take a full-time position with the Dogwood Alliance. The Foundation Board is in the process of beginning a search to fill her position. In the meantime, GRNMS staff will lend assistance to the Foundation, as appropriate. Sarah Fangman encouraged SAC members to forward any suggestions for the position to the Foundation.

### **Other**

Chris Hines reported that there are two council seats—K-12 Education and Living Resources Research—that will open for recruitment in May. Announcements will be forthcoming.

### **Next Meeting**

The next SAC meetings will take place via webinar on June 28 from 1:00pm – 3:00pm and in-person on either September 21 or 22 in Savannah, to enable SAC members to attend *A Fishy Affair*. Potential topics for upcoming meetings include discussion of the SAG recommendation on the ecological effects of visitor use on GRNMS, a presentation by Scott Noakes' on his lionfish trap, and NMSF update on GRNMS settlement funds.

### **Public Comment**

There were no public comments.

The meeting was adjourned at 5:06pm.