MAGNUSON – STEVENS ACT/NEPA SCOPING DOCUMENT

Regulatory Amendment 16 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

(revised 11/25/13)

NOVEMBER 2013

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A publication of the South Atlantic Fishery Management Council pursuant to

Regulatory Amendment 16 contains an action to address the prohibition on the use of black sea bass pots annually from November 1 through April 30 that was implemented through Regulatory Amendment 19 (SAFMC 2013) and became effective on October 23, 2013. The prohibition was a precautionary measure to prevent interactions between black sea bass pot gear and whales listed under the Endangered Species Act (ESA) during large whale migrations and the right whale calving season off the southeastern coast. The South Atlantic Fishery Management Council (Council), through Regulatory Amendment 16, is considering removal of the closure, shortening of the timeframe, and spatially designating the closure boundaries. The goal is to minimize socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for ESA-listed whales in the South Atlantic region.

This document outlines the background information and reason for action, the proposed changes to regulations, and how to submit comment and by when. **Please note that scoping is where the Council first brings proposed changes to management regulations to the public and requests comment. The document outlines a wide range of changes; no decisions have been made, and your input is important.** Scoping meetings are less formal than public hearings and occur prior to the Council taking any position on a management issue. When the Council is considering the need for management, scoping meetings provide an opportunity for members of the public to make suggestions BEFORE the Council has made any decisions.

The Council is considering the following action in Regulatory Amendment 16:

- Address the prohibition on the use of black sea bass pots annually from November 1 through April 30 that was implemented through Regulatory Amendment 19 and became effective on October 23, 2013.

BACKGROUND

At their June 2013 meeting, the Council reviewed draft Regulatory Amendment 16, which contained an action to implement management measures to lengthen the golden tilefish commercial season and diminish derby conditions. After receiving input from golden tilefish longline endorsement holders, however, the Council voted to stop development of Regulatory Amendment 16.

The Council approved the following within the Timing and Task Motion for the Snapper Grouper FMP: PREPARE A DRAFT REGULATORY AMENDMENT TO REMOVE THE BLACK SEA BASS POT CLOSURE (IF REGULATORY AMENDMENT 19 IS APPROVED AND IMPLEMENTED). BRING THE DRAFT DOCUMENT TO THE COUNCIL IN SEPTEMBER 2013.

Hence, Regulatory Amendment 16 will now contain an action to analyze the impacts of removing the black sea bass pot closure implemented through Regulatory Amendment 19 (SAFMC 2013). The latter increased the black sea bass ACL according to the latest stock assessment and prohibited the use of black sea bass pots annually from November 1 through April 30, which corresponds to the large whale migration and the right whale calving season in the South Atlantic. The prohibition was a precautionary measure to prevent interactions between black sea bass pot gear and ESA-listed whales. The ACL increase was effective on September 23, 2013 and the gear prohibition became effective on October 23, 2013.

Amendment 18A, implemented in July 2012, established a black sea bass pot endorsement program that capped the number of vessels utilizing pot gear at 32. In addition, the amendment implemented the following requirements that reduced the potential for interactions with protected species:

- Limit of 35 pots per vessel
- Pots must be brought back to shore after each trip
- Commercial trip limit of 1,000 lbs gw
- Increased commercial size limit from 10 inches (”) total length (TL) to 11” TL
- Increased recreational size limit from 12” to 13” TL

NEED FOR ACTION

The *purpose* of Regulatory Amendment 16 is to address the balance between ESA-listed whales protection and the socioeconomic impacts imposed on black sea bass pot fishermen initiated by the annual November 1 to April 30 prohibition on the use of black sea bass pot gear.

The *need* for the amendment is to minimize socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for ESA-listed whales in the South Atlantic region.

PROPOSED ACTION

Action 1. Modify the annual November 1 to April 30 prohibition on the use of black sea bass pot gear

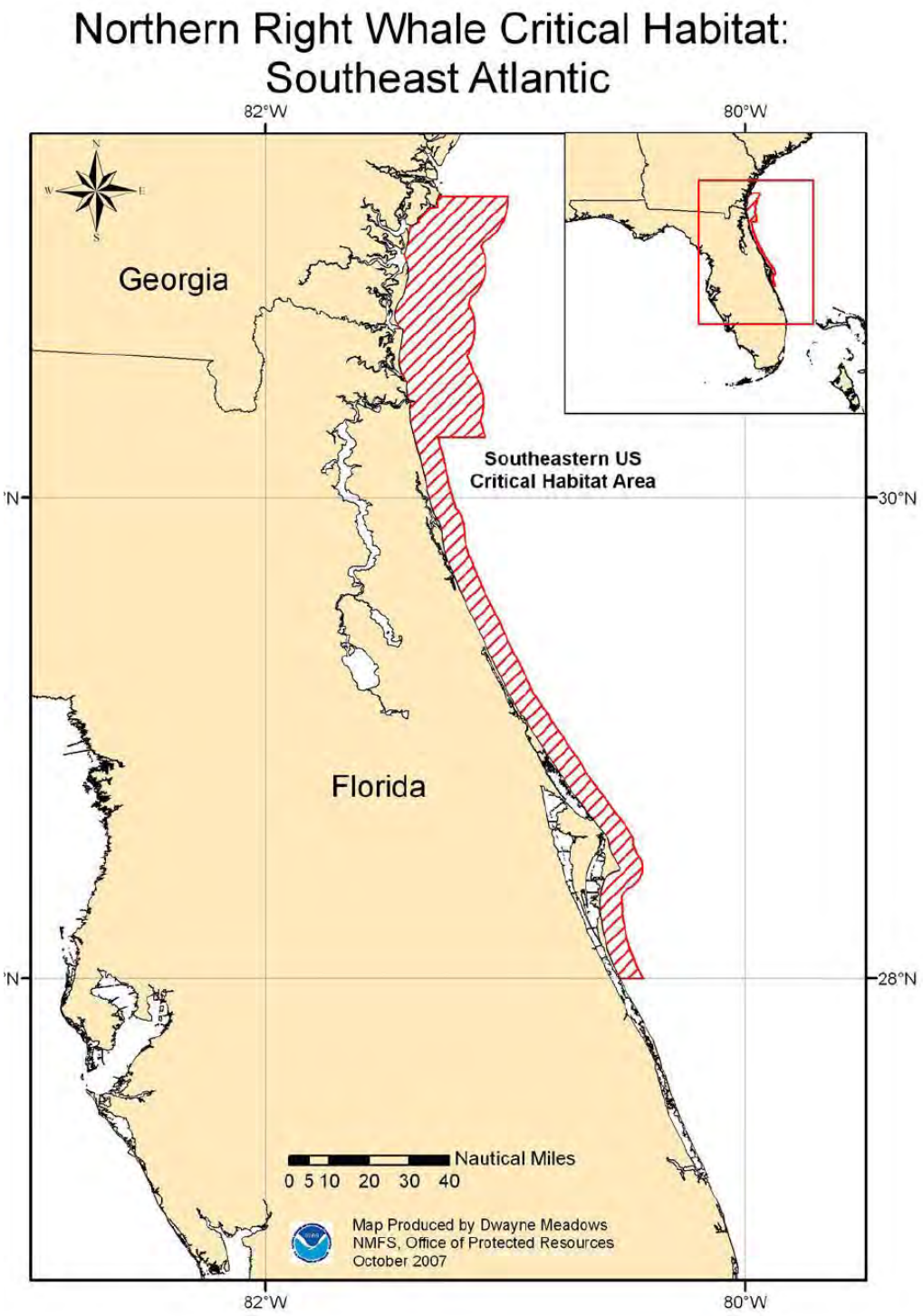
(Multiple preferred alternatives may be chosen.)

Alternative 1 (No Action). Retention, possession, and fishing for black sea bass is prohibited using black sea bass pot gear, annually, from November 1 through April 30.

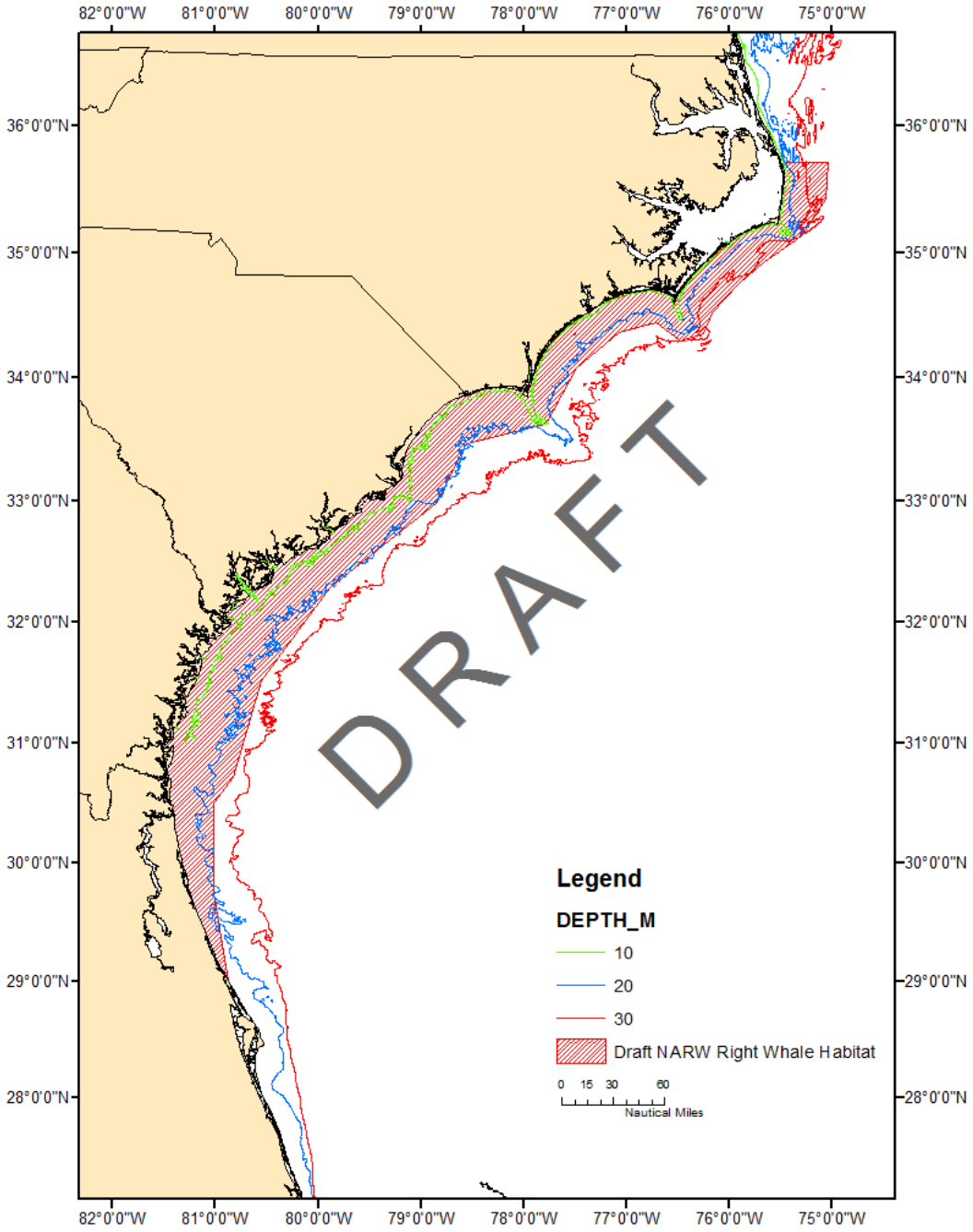
Alternative 2. Remove the annual November 1 to April 30 prohibition on the retention, possession, and fishing for black sea bass using black sea bass pot gear.

Alternative 3. Prohibit retention, possession, and fishing for black sea bass using black sea bass pot gear, annually, from November 15 through April 15.

Alternative 4. The black sea bass pot closure applies only in designated right whale critical habitat in the South Atlantic region.



Alternative 5. The black sea bass pot closure applies to waters 25 m or shallower from 29°N (approximately Ponce Inlet, Florida) to Cape Lookout, North Carolina. From Cape Lookout, North Carolina, north the closure applies to waters under SAFMC management that are shallower than 35 m (see map below). The closure applies to all areas annually from November 1-April 30.



SNAPPER GROUPER AP RECOMMENDATIONS

The AP discussed the feasibility of the pot closure only applying to within designated Right Whale Critical Habitat. Some of the AP members from North Carolina indicated that migratory whales are frequently encountered in water 30-60 feet deep off the NC coast. Migrating whales are distributed from the Gulf of Maine south in spring and fall and congregate al calving grounds. The number of black sea bass pots the whales encounter in the South Atlantic is minuscule relative to the number of pots in the Gulf of Maine. The AP made the following motions:

MOTION: RECOMMEND ALTERNATIVE 4 AS PREFERRED
Alternative 4. Prohibit retention, possession, and fishing for black sea bass using black sea bass pot gear, annually, from November 1 to April 30, in designated right whale critical habitat in the South Atlantic region.
APPROVED

What Next?

If the Council approves the amendment for scoping, this page will contain information on the comment period, where and when scoping meeting will be held, and the email and mail addresses for the public to submit comments

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Appendix B. A Simplified Schematic of the Council Process.

- Council approves actions to take to scoping Dec 2013

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- Council holds scoping meetings Jan 2014

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- Council reviews scoping comments & approves measures March 2014

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- Council approves for public hearings June 2014

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- Council holds public hearings August 2014

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- Council reviews public input & approves actions September 2014 ► Council approves final document Sept or Dec 2014 ► Council submits FMP/Amendment to Secretary of Commerce Dec 2014 or Jan 2015