

South Atlantic Update



Published for fishermen and others interested in marine resource conservation issues

Summer 2011

Council Approves Annual Catch Limits; Elimination of Deepwater Closure

ACLs set for snapper grouper complex species, mackerel, and cobia plus removal of 240' Closure

Council members met at a special one-day meeting on August 9, 2011 and took action to approve three amendments. If approved by the Secretary of Commerce, new regulations may impact fishermen targeting species in the snapper grouper complex, as well as dolphin, wahoo, king and Spanish mackerel, and cobia. The one-day meeting focused on the Congressional mandates to establish annual catch limits (ACLs; in pounds or numbers of fish that can be harvested) and accountability measures (AMs) for species under the Council's jurisdiction not currently listed as undergoing overfishing. This includes the majority of snapper grouper complex species currently managed through the Council's Snapper Grouper Fishery Management Plan, such as greater amberjack, mutton snapper, scamp grouper, gray triggerfish and wreckfish. These limits and measures must also be set for species managed under different plans such as dolphin (mahi mahi), wahoo, king and Spanish mackerels, cobia, golden crab and Sargassum. Allocations between commercial and recreational (includes for-hire/charter) fishermen are also addressed in the amendments.

During the August meeting, the Council also approved an amendment for Secretarial review that would remove current restrictions for harvest or possession of deepwater species (snowy grouper, blueline tilefish, yellowedge grouper, misty grouper, queen snapper, and silk snapper) in waters greater than 240 feet in depth. Commonly known as the "240' closure", the restrictions were implemented in January 2011 in order to help protect speckled hind and warsaw grouper. Regulatory Amendment 11 to the Snapper Grouper Fishery Management Plan would remove the restrictions.



Do you fish for cobia or Spanish mackerel?

Fishermen are needed for the 2012 stock assessment for these species. *Get involved* with the stock assessment process. See page 7 for details.

Next Council Meeting
September 12-16 2011 Council Meeting
Charleston, SC
See page 11 for details



Courtesy of Richard DeLizza

Fishermen display a colorful female dolphin caught off the coast of Florida.

The Comprehensive ACL Amendment would set the allocation for dolphin at 7.3% commercial and 92.7% recreational based on historical landings. The sale of bag-limit dolphin by charter captains would be prohibited, and a 20-inch (fork length) minimum size limit would be implemented for dolphin caught in federal waters off the coast of

South Carolina. Annual catch limits and targets would also be established. Read more on page 5.

Comprehensive Annual Catch Limit (ACL) Amendment

The Comprehensive ACL Amendment sets annual catch limits for commercial and recreational fishermen, and accountability measures if those limits are exceeded, for species in the snapper grouper complex, as well as dolphin, wahoo, and golden crab. The ACLs are based on scientific recommendations provided by the Council's Scientific and Statistical Committee (SSC). Similar measures for mackerel and cobia are addressed in a separate amendment.

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Executive Director

Gregg T. Waugh
Deputy Director

VOTING MEMBERS

Designated State Officials

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--	--

Doug Haymans Brunswick, GA (912) 264-7218	Robert Boyles Charleston, SC (843) 953-9304
--	--

Appointed Obligatory Members

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---	--

Duane Harris St. Simons Island, GA (912) 638-9430	Tom Swatzel Murrells Inlet, SC 843/357-1673
--	--

Appointed At-Large Members

John W. Jolley Boynton Beach, FL (561) 346-8426	Charlie Phillips Townsend, GA (912) 832-3149
--	---

David Cupka, Chairman Charleston, SC (843) 795-8591	Mac Currin, Interim Vice Chair Raleigh, NC (919) 881-0049
--	--

NMFS Regional Administrator

Roy Crabtree
St. Petersburg, FL
(727) 824-5301

Non-Voting Members

ASMFC Washington, DC (202) 289-6400	U. S. Fish & Wildlife Atlanta, GA (404) 331-3588
U. S. Coast Guard Miami, FL (305) 415-6768	State Department Washington, DC (202) 647-2883

Editor's Note

The South Atlantic Update is published by the South Atlantic Fishery Management Council. Its purpose is to report developments in fisheries management that would be of interest to its readers. Please credit the Council when reprinting articles used in this newsletter. Anyone wishing to submit information or articles pertaining to fishing or fisheries management, or letters to the editor on a pertinent issue, is invited and encouraged to do so. Submissions may be mailed to Kim Iverson, Editor, *South Atlantic Update*, 4055 Faber Place Dr., Suite 201, N. Charleston, SC 29405, or may be sent via the internet; Email address: kim.iverson@safmc.net.

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Council Members Appointed

The Secretary of Commerce recently announced appointments to the regional fishery management councils. The Secretary selects council members to fill obligatory and at-large seats on the councils based upon gubernatorial nominations. Members may be appointed or reappointed by the Secretary to serve three-year terms, with a maximum of three consecutive terms. The new terms begin August 11, 2011.



David Cupka

Council Chairman **David M. Cupka** of Charleston, South Carolina has been reappointed to an at-large seat on the South Atlantic Fishery Management Council. Mr. Cupka has served on the Council since 1993 and is the only Council member to serve three separate times as the chairman. Prior to his retirement, Chairman Cupka served as the Council representative for the

South Carolina Department of Natural Resources, Division of Marine Fisheries where he worked as the division director. Mr. Cupka's experiences also include serving on various management boards of the Atlantic States Marine Fisheries Commission. Additionally, Chairman Cupka was on the Board of Directors for the National Coalition for Marine Conservation and previously served as the South Carolina representative on the Southeast Area Monitoring and Assessment Program Committee.

"We need to continue our efforts to further improve the SEDAR process and to increase the participation of knowledgeable fishermen in the Council process," said Chairman Cupka, referencing the Southeast Data, Assessment, and Review stock assessment process. "It is also important that we strive to improve the data collection systems utilized in the management process, and that we complete the work to establish annual catch limits and accountability measures by the Congressionally mandated completion date for all species within the Council's jurisdiction." He adds that he is, "very glad to be reappointed to the Council."

John W. Jolley has been appointed to the Council to fill an at-large seat for the state of Florida. A resident of Boynton Beach, Florida, Mr. Jolley has a broad range of fisheries' experiences that include 56 years of commercial and recreational fishing and diving, operating a live bait business, and working as a senior research scientist with the Florida Marine Research Institute. He served as a member of the Scientific and Statistical Committee for the Gulf of Mexico Fishery Management Council, and currently serves as a scientific advisor to the Atlantic States Marine Fisheries Commission. As a long-time member of the West Palm Beach Fishing Club, where he served as president for 30 years, Mr. Jolley states, "Many



John Jolley

(Continued page 10)

In the News:

New Control Date Proposed for Wreckfish Commercial Fishery

NOAA Fisheries has established a new control date of **March 11, 2011** to control future access to the commercial wreckfish sector of the snapper-grouper fishery operating in the exclusive economic zone (EEZ) of the South Atlantic. If changes to the management regime are developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act, a control date could be used to limit the number of participants in this commercial sector.

This control date is intended, in part, to promote awareness of potential eligibility criteria for future access so as to discourage speculative entry into this sector while the South Atlantic Fishery Management Council and NOAA Fisheries consider whether and how access to the commercial wreckfish sector should be controlled.



FWC's Colonel Buckson to Lead NOAA's Office for Law Enforcement



Bruce Buckson

Bruce Buckson, a nationally-recognized leader with 29 years experience in natural resource conservation law enforcement, has been named the new director of the NOAA Fisheries Office of Law Enforcement.

He begins his new job on September 4, 2011. A graduate of the FBI National Academy, Buckson comes to NOAA from the Florida Fish and Wildlife Conservation Commission where he has served as the Deputy Director of the Law Enforcement Division since 2007.

The Florida Fish and Wildlife Law Enforcement Division is one of the largest fish and wildlife law enforcement agencies in the world with over 700 employees in a state with the nation's second longest coastline. In his new role at NOAA, Buckson will direct the efforts of more than 200 NOAA Fisher-

ies Enforcement employees, including special agents and enforcement officers, working out of national headquarters, six divisional offices, and 52 field offices throughout the United States and U.S. territories.

Lt. Col. Buckson began his law enforcement career patrolling the waters of the upper Florida Keys and advanced to increasing levels of responsibility within the Commission. Among his many career highlights, Buckson served as the FWC's law enforcement liaison to regional Fisheries commissions and councils and to federal agencies. He served on the South Atlantic Council's Law Enforcement Advisory Panel.

"Colonel Buckson is an excellent communicator with strong leadership skills who is able to work with everyone involved in the fishery management process," said Council Chairman David Cupka. "We look forward to continuing to work with him and wish him well in his new role."

Council Approves Annual Catch Limits for Spiny Lobster

Actions to designate area restrictions for traps, requirements for trap line markings delayed

New management measures were approved for Caribbean spiny lobster during a joint meeting of the Gulf of Mexico and South Atlantic Fishery Management Councils in Key West, FL this past June. Amendment 10 will establish management parameters such as Maximum Sustainable Yield and set Annual Catch Limits (ACLs) and Accountability Measures (AMs) for the fishery that occurs in both the South Atlantic and Gulf of Mexico.

The amendment would set an ACL of 7.32 million pounds for the spiny lobster fishery with an Annual Catch Target of 6.59 million pounds. Recent landings have been under the target and averaged just over 5 million pounds. The stock is not considered overfished or undergoing overfishing. Spiny lobsters are harvested primarily by commercial fishermen in southern Florida, although there is a popular recreational "sport" season that occurs each year. The recreational bag limit in Florida is limited to 6 per person per day and the season is closed from April 1- August 5th off the coast of Florida with a special non-trap season in July. Off the coast of Georgia, South Carolina, and North Carolina, the harvest and

possession of spiny lobster is limited to 2 per person/day for all fishermen. The amendment would not establish allocations between commercial and recreational fishermen. If the ACT were to be exceeded, the two councils would convene a review panel to determine if any corrective action is necessary.

The amendment would allow the use of undersized lobster or "shorts" as attractants not exceeding 50 per boat and 1 per trap aboard each boat. This is consistent with state regulations and would make law enforcement more effective. The amendment also addresses tailing permits specific to the commercial fishery, and would require all Caribbean spiny lobster be landed all "whole" or "tailed". On long trips, the product quality is better if the tails are separated and iced or frozen. The amendment also addresses other management issues including derelict or abandoned traps and removal of four species from the management unit that are not heavily



A commercial lobster boat heads out of Key Largo, Florida.

targeted including Spanish slipper lobster and spotted spiny lobster, and allow for the State of Florida to manage these species.

After considering public comment, the councils removed actions in the amendment that would have created closed areas for lobster traps and required gear markings on trap lines to protect threatened Elkhorn and Staghorn (*Acropora* spp.) corals. The councils will revisit the restrictions after receiving further input from stakeholders.

The amendment must be approved by the Secretary of Commerce before management measures are implemented. Approval is expected by 2012.

Tackling the responsibility to establish annual limits and measures for the 73 species currently included in the Snapper Grouper management unit has been no easy task for the Council.

Management measures for a fishery should, on an annual basis, prevent the Annual Catch Limit from being exceeded.

For those species listed as undergoing overfishing, such as red snapper, golden tilefish, snowy grouper, and vermilion snapper, regulations have already been implemented to end overfishing and establish ACLs and AMs as directed by the Magnuson-Stevens Act. The Comprehensive ACL

Amendment must deal with the remaining species, including those not commonly targeted by fishermen, and in most cases these species don't have stock assessments.

Simplifying Snapper Grouper Management: Species groupings, designations and removal

The Snapper Grouper Fishery Management Plan, established in 1983, includes 73 species of snappers, groupers, grunts, porgies, sea basses, jacks, and other species that share similar habitat or biological traits. The Comprehensive ACL Amendment includes alternatives to remove some species from the management unit. Certain species, such as sheepshead and crevalle

jack, are more commonly found near reefs and near-shore habitats in state waters (inside of 3 nautical miles). Others, like the tiger grouper, and smallmouth grunts are rarely encountered by fishermen. Federal regulations would no longer apply in federal waters to species removed from the management unit. State regulations would continue to apply when caught in state waters.

After considering public comment regarding concerns that removing some species from federal management may leave them (and other co-occurring species) vulnerable to overfishing, the Council modified its preferred alternative for species removal, keeping additional species within the management unit. As approved by the Council, the amendment would remove 13 species from the snapper grouper management complex. These include species with greater than 95% of landings in state waters (e.g., sheepshead, crevalle jack), species managed under the Florida Marine Life Program such as queen triggerfish, and those with zero landings reported (tiger

grouper and smallmouth grunt).

The amendment proposes designating six species as ecosystem component species, including bank sea bass, ocean triggerfish, and longspine porgy. While these species are not considered to be part of the fishery, they are species with which fishermen may occasionally interact (i.e., catch). Because ecosystem component species are not considered "in the fishery", specifying reference points, ACLs and AMs is not required. However, under the guidance of the Magnuson-Stevens Act, the Council should consider measures to minimize bycatch of these species and protect their role in the ecosystem.

Because stock assessments are not available for the other less commonly encountered species that would remain in the management complex, the amendment proposes moving these species into six groupings based on life history, catch statistics, and fishery independent data (see side bar). The groupings would have an aggregate ACL. Should the ACL for the species grouping be met, accountability measures as outlined in the amendment would be put into place.

Allocations

In addition to setting ACLs and AMs, the Comprehensive

ACL Amendment also specifies allocations for both commercial and recreational fishermen, establishing ACLs for each sector. Accountability measures include closing the commercial fishery if the ACL is met or projected to be met during the fishing season and limiting harvest to the bag limit. If a species is overfished (or a species within the grouping is overfished), the ACL would be reduced by the amount of the overage the following fishing year. For the recreational sector, if the ACL

<p>DW Grouper and Tilefish</p> <ul style="list-style-type: none"> • blueline tilefish • silk snapper • yellowedge grouper • misty grouper • sand tilefish • queen snapper • blackfin snapper • black snapper 	<p>Grunts</p> <ul style="list-style-type: none"> • white grunt • sailors choice • margate • tomtate 	<p>Jacks</p> <ul style="list-style-type: none"> • Almaco jack • banded rudderfish • lesser amberjack
<p>Shallow Water Groupers</p> <ul style="list-style-type: none"> • coney • graysby • yellowmouth grouper • yellowfin grouper • rock hind • red hind 	<p>Snappers</p> <ul style="list-style-type: none"> • cubera snapper • gray snapper • lane snapper • dog snapper • mahogany snapper 	<p>Porgies</p> <ul style="list-style-type: none"> • jolthead porgy • knobbed porgy • saucereye porgy • scup • whitebone porgy

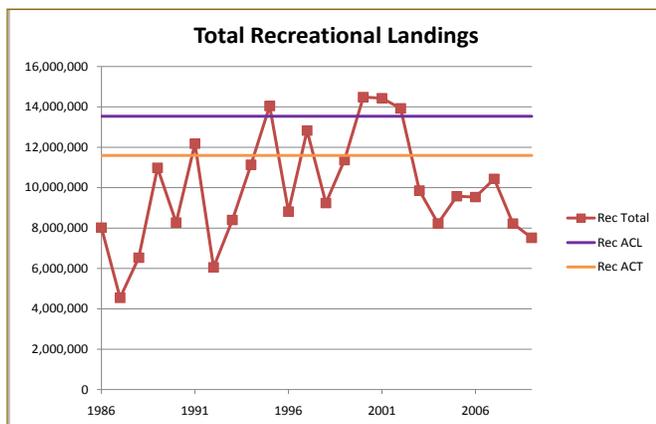
Species Groupings in the Comprehensive ACL Amendment: The amendment would group species in the snapper grouper complex not commonly targeted by fishermen. The species groupings would have a cumulative Annual Catch Limit. If a group's ACL is exceeded, Accountability Measures would be implemented.

is exceeded, the following year's landings would be monitored in-season for persistence in increased landings. NOAA Fisheries could reduce the length of the fishing season if necessary.

The amendment would also modify the existing wreckfish fishery. Wreckfish, a deepwater species historically targeted by commercial fishermen, has been managed under an Individual Transferable Quota (ITQ) system since 1991. The Comprehensive ACL Amendment includes measures to allocate 5% of the wreckfish fishery to recreational anglers

(Continued next page)

ACTs - Why set a "Target" when you already have a "Limit"?



Historical dolphin landings illustrate the fluctuations around the ACT and ACL. Ideally, landings should remain close to the target of 11,595,803 pounds and not exceed the ACL, triggering accountability measures.

Ideally, catches should fluctuate slightly above or below the target each fishing year, preventing overages of the ACL and subsequent accountability measures. The graph shows the recreational values for dolphin as proposed in the Comprehensive ACL Amendment. For dolphin, if the recreational ACL is exceeded, the following year's landings would be monitored in-season to see if there is a continued increase in landings. If so, NOAA Fisheries would publish a notice to reduce the length of the fishing season as necessary.

Council Approves Amendments *(continued)*

and establishes a 1-wreckfish per vessel per day bag limit with a 2-month recreational season (July-August). Based on recommendations from the Council's SSC, the amendment substantially lowers the total ACL for wreckfish from the current Total Allowable Catch (TAC) of 2 million pounds to 250,000 pounds, and could have a negative impact on the small number of commercial vessels currently harvesting wreckfish.

NOTE: As this issue of the newsletter goes to print, it has been determined that corrections are necessary to calculations used to determine *sector allocations* for species in the snapper grouper complex. The corrections will be presented to the Council during its September meeting for review and approval before submitting the Comprehensive ACL Amendment to the Secretary of Commerce.

Dolphin and Wahoo

The amendment also sets ACLs, AMs and allocations for dolphin (mahi mahi) and wahoo, two popular species more commonly targeted by recreational anglers and managed under the Dolphin Wahoo Fishery Management Plan. Based on recommendations from the Scientific and Statistical Committee, the ACL for dolphin is set at 14,596,216 pounds (whole weight) with an allocation of 7.3% commercial and 92.7% recreational. The Annual Catch Target (ACT) for the recreational sector would be set at 11,595,803 pounds. If the ACL is exceeded, the following year's landings would be monitored in-season to see if there is a continued increase in landings. If so, NOAA Fisheries would publish a notice to reduce the length of the fishing season as necessary.

In addition, the sale of bag limit caught dolphin by for-hire (charter) fishermen would be prohibited. The amendment would also extend the current minimum size limit of 20 inches (fork length) for dolphin off the east coast

The Council chose to select an Annual Catch Target (ACT) in addition to an ACL for the recreational sector. The target is set lower than the limit and used when managers are uncertain in the ability to control the catch at or below the ACL. The target could act as a warning that landings were approaching the ACL and serve as an indicator to put management measures in place in the future to keep landings near the ACT. Because recreational data are less certain than commercial data, the Council has chosen to use ACTs as an added precautionary measure.

Remember, if a sector exceeds its ACL in any given year, this overage acts as a trigger to activate accountability measures in place for that species. The measures may include in-season reductions, fishery closures, and paybacks the following year if the species is overfished. For example, accountability measures were implemented for the black sea bass fishery last year when ACLs were exceeded, closing both the commercial and recreational fisheries for the first time.

of Florida and Georgia northward to include South Carolina. No changes are proposed for the current bag limit of 10 fish per person/day not to exceed 60 per boat/day. Headboats are allowed 10 dolphin per paying passenger/day.

An ACL of 1,481,785 pounds (whole weight) would be set for wahoo, with a 4.3% commercial allocation and a 95.7% recreational allocation. Recreational landings from 2005-2009 averaged 768,686 pounds. No changes are proposed to current regulations that include a bag limit of 2 per person per day and a commercial trip limit of 500 pounds. The sale of bag limit wahoo is currently prohibited. Accountability measures similar to those for dolphin would be established.

Golden Crab and Sargassum

The commercial golden crab trap fishery involves a relatively small number of vessels that primarily fish the deep waters off the coast of southeast Florida. The fishery is closely monitored and the Council is considering the development of a catch share program for the fishery. An ACL of 2 million pounds would be set for the fishery. The harvest of Sargassum, a free-floating seaweed that provides crucial habitat for marine animals throughout the South Atlantic region, has been heavily restricted through the Council's Sargassum Fishery Management Plan, implemented in 2003. The Comprehensive ACL Amendment addresses parameters for Sargassum, continuing the current restrictions in harvest and setting an ACL of 5,000 pounds. *(Continued page 6)*



Mackerel Amendment 18

Because of their migratory nature, king mackerel, Spanish mackerel and cobia are managed jointly with the Gulf of Mexico Fishery Management Council under the Coastal Migratory Pelagic (Mackerel) Fishery Management Plan. Mackerel Amendment 18 would establish management parameters, including ACLs and AMs for both Gulf and Atlantic migratory groups of king mackerel and Spanish mackerel, establish separate migratory groups of cobia (cobia are currently managed as a single stock), and set ACLs and AMs for the newly designated Gulf and Atlantic migratory groups of cobia.

The amendment would remove cero mackerel, little tunny, dolphin and bluefish from the joint management plan. These species have never been managed through the management plan, but were initially included more than 20 years ago for data collection purposes only. Dolphin is now managed under a separate fishery management plan. Amendment 18 would also modify current framework procedures to incorporate stock assessments conducted through the Southeast Data, Assessment, and Review (SEDAR) process and to allow for adjustments to ACLs. Framework procedures allow managers to take action more quickly, usually within a single year, than through the development of plan amendments.

King Mackerel

Both the Gulf and Atlantic migratory groups of king mackerel were assessed through the SEDAR stock assessment process in 2008. The stocks were determined not to be overfished but it was uncertain if the stocks were undergoing overfishing. If overfishing was occurring in the Atlantic, it was thought to be at a low level. Amendment 18 would set the ACL at 10.46 million pounds for Atlantic migratory king mackerel with a recreational allocation of 62.9% (6.58 million pounds) and a commercial allocation of 37.1% (3.88 million pounds). Using these values, the recreational allocation would not have been exceeded since 1986-87. The commercial allocation has never been exceeded but did come close in 2009-2010 with landings of 3.55 million pounds. The amendment includes alternatives for “paybacks” or reduction(s) in the ACL for the following year for each sector if the sector ACL is exceeded and the stock is determined to be overfished. No changes are proposed to current regulations.

Spanish Mackerel

Atlantic migratory group Spanish mackerel were also assessed in 2008 through the SEDAR process. The assessment determined Atlantic migratory group Spanish mackerel stock was not undergoing overfishing, but it could not be determined if the stock was overfished. There was concern about uncertainty in the assessment regarding historical recreational catches and the amount of mackerel bycatch in the shrimp fishery.

Because the biomass for Spanish mackerel is unknown, the Council’s Scientific and Statistical Committee, after discussing the Acceptable Biological Catch (ABC) at several meetings over the past two years, has recommended an ABC

of 5.69 million pounds with an ACL equal to that amount, based on total landings data from 1999 to 2008. The current Total Allowable Catch (TAC) for Atlantic migratory group Spanish mackerel is 7.05 million pounds. Under the amendment, the recreational allocation (45%) would be 2.56 million pounds and the commercial allocation (55%) would be 3.13 million pounds. With the reduced ACL, the commercial fishery would have exceeded their sector ACL in the last two years. The recreational allocation would not have been exceeded nor would the total ACL. No changes to current regulations for Spanish mackerel, including the recreational bag limit of 15 per person/day are proposed in the amendment. A benchmark stock assessment is scheduled in 2012 for both Gulf and Atlantic migratory groups of Spanish mackerel.



Photo by Don DeMaria

Found in both the Gulf of Mexico and South Atlantic, cobia are a popular species with recreational fishermen because they are powerful and put up a good fight. They are also good to eat. Separate migratory groups would be established through Amendment 18 and ACLs set for each group. No changes are proposed for the current bag limit of 2 per person/day (Florida limits 1 per person/day). A benchmark SEDAR stock assessment is scheduled for cobia in 2012.

Cobia

Cobia are targeted primarily by recreational anglers, with approximately 90% of the harvest coming from the recreational sector. A stock assessment was conducted for cobia in the Gulf of Mexico in 2001 but did not include the Atlantic. The assessment was able to conclude with some certainty that the cobia population had increased in abundance since the 1980s but little is known about the Atlantic stock.

Amendment 18 will establish a Gulf stock and Atlantic stock, using the jurisdictional boundary between the two councils, located off the Florida Keys. The ACL for Atlantic Migratory Group cobia would be set at 1,571,399 pounds with an allocation of 8% commercial and 82% recreational.

Fishermen attending public hearings and addressing the Council have expressed some concerns about increases in the numbers of cobia being harvested in recent years. Based on statistics collected by NOAA Fisheries in 2010, the recreational ACL would have been exceeded by June of last year.

Cobia form large aggregations, spawning during daylight hours between June and August in the Atlantic Ocean near the Chesapeake Bay, off North Carolina in May and June, and in the Gulf of Mexico during April through September. The majority of landings occur in April, May, and June in conjunction the spawning season in the South Atlantic. The Council discussed options for reducing the recreational bag limit from 2 fish to 1 fish per person/day (Florida currently has a 1 fish bag limit in place for state waters) and options to reduce harvest during the spawning season, but decided to wait until a benchmark stock assessment is completed in 2012 through the SEDAR process before deciding to make adjustments to current regulations. (Continued next page)

Snapper Grouper Regulatory Amendment 11 (240' Closure)

The Council chose to eliminate the current harvest restrictions in place for six deepwater species in waters greater than 240 feet (40 fathoms) through approval of Regulatory Amendment 11 in August. Regulations were implemented on January 31, 2011 to prohibit the harvest or possession of snowy grouper, blueline tilefish, yellowedge grouper, misty grouper, queen snapper, and silk snapper past depths of 240 feet. The restriction, known as the "240' Closure", was put into place through Amendment 17B to help end overfishing of speckled hind and warsaw grouper. Both species are extremely vulnerable to overfishing because they are slow growing, long-lived, and change sex from female to male with increasing size and age. The harvest of speckled hind and warsaw grouper had been strictly regulated since 1992. The Council's Scientific and Statistical Committee recently set an Acceptable Biological Catch (ABC) of zero (landings only) for both species and harvest is now prohibited.

The Council added the 240' Closure to Amendment 17B to account for the incidental catch of speckled hind and warsaw grouper as fishermen targeted other deepwater species. The depth-related release mortality, estimated at 70%, is very high for species released in waters greater than 240 feet.

The closure has been particularly difficult for commercial fishermen that targeted blueline tilefish in deep waters off the coast of North Carolina. As restrictions for other deepwater species increased, the landings of blueline tilefish have increased since 2005, with a rapid increase in landings between 2007 and 2008. As landings increased so did the value of the fishery, and in 2009 landings topped 472,609 pounds with a value of \$741,576.

Recreational fishermen have also been impacted by the 240' Closure, including both private anglers and charter captains that target snowy grouper and blueline tilefish by "deep dropping". This specialty method of fishing usually includes electric reels, special gear and expertise to catch the deepwater species, and has been growing in popularity, especially in south Florida where deep water is closer to shore and more easily accessed. The Council received numerous written comments and public testimony from both commercial and recreational fishermen regarding the negative impacts of the 240' Closure.



If approved by the Secretary of Commerce, Regulatory Amendment 11 would remove current restrictions in place that prohibit the harvest of 6 snapper grouper complex species in waters greater than 240 feet deep. However, additional measures to protect speckled hind and warsaw grouper must be taken, and the Council will begin reviewing management options during its September meeting. A decision regarding the current closure is expected by the end of this year.

The Council reviewed additional analysis during its June meeting regarding the effectiveness of the closure, including the relatively low co-occurrence of speckled hind and warsaw grouper with blueline tilefish and snowy grouper, and a possible increase in fishing mortality associated with a shift in effort to the shelf edge (131 to 262 foot depth). "We have the ability in a number of innovative ways to avoid catching these species," said Council member Ben Hartig. "This [closure] is creating a lot more problems than it solves."

As Council members discussed options for eliminating restrictions in harvest for the 240' Closure, they also focused on the need to begin looking at other ways to provide additional protection to speckled hind and warsaw grouper, stressing the need to move quickly to take action. Discussions included the possibility of expanding current deepwater marine protected areas, the use of spawning area closures, and the need to work with the Snapper Grouper Advisory Panel and other fishermen to help identify methods to protect the two vulnerable species in the near future. The Council will continue to discuss options when it meets in September. It is the Council's intent that Regulatory Amendment 11 be approved and the 240' Closure eliminated by the beginning of 2012.



Cobia and Spanish Mackerel Fishermen Needed for Upcoming 2012 Stock Assessments

If you are an avid fisherman with experience in fishing for cobia and/or Spanish mackerel, you may be eligible to participate in the upcoming 2012 stock assessment for these species. The

Southeast Data, Assessment and Review (SEDAR) stock assessment program is soliciting volunteers to participate in the SEDAR 28 benchmark stock assessment currently scheduled to begin in the spring of 2012.

The assessment will consist of a Data Workshop, Assessment

Workshop, and Review Workshop. Representatives will be appointed to serve as panelists at the Data Workshop and observers at the Assessment and Review Workshops. There will also be "webinars" and conference calls held that would require participation. Computer and internet access is required in order to participate.

Please contact Kim Iverson at kim.iverson@safmc.net or call 843/571-4366 (toll free 855/SAFMC-10) if you are interested in applying to the SEDAR Pool and participating in this or other stock assessment workshops. The Council will consider appointments for the assessment during its September and December 2011 meetings.

Exempted Fishery Permit Allows Limited Commercial Fishery in North Carolina

On-board observers collect data and record bycatch

Commercial fishermen fishing the deep waters off of North Carolina for blueline tilefish were especially impacted by the restrictions in harvest implemented with the 240' Closure in January. The landings for blueline tilefish have increased in recent years following regulations that strictly limited the harvest of snowy grouper, another species found in deep waters.

According to Benny O'Neal with O'Neal's Seafood in Wanchese, NC, who has 3 vessels that fish for tilefish, the blueline tilefish fishery has been helpful in filling a void. "As prices for grouper have increased, gray tile [blueline tilefish] has been a good economical substitute. The product is high quality and marketed fresh to local restaurants and retail stores as well as markets from Wilmington, NC to New York," said O'Neal. "When the 240' Closure happened, my boats had to stop fishing."

The NC Division of Marine Fisheries requested an Exempted Fishery Permit from NOAA Fisheries in May 2011 to allow commercial fishermen north of Cape Hatteras access to blueline tilefish in order to collect data and determine the absence or presence of speckled hind and warsaw grouper, the two species the area closure was originally designated to help protect.



Courtesy of David Hoke

A recently caught blueline tilefish off North Carolina is held by NMFS Outer Banks Port Agent David Hoke. Most commercially caught blueline tilefish in North Carolina are landed by longliners.

The Council reviewed the request and NOAA Fisheries issued the permit in August. The permit allows a maximum of 11 vessels to participate and observer coverage is required for 20% of those vessels.

According to David Hoke, a port sampler with NOAA Fisheries, vessels have begun to fish under the EFP and the observer coverage is going smoothly. "Not all of the vessels are fishing for tilefish right now, some are still targeting tuna. But we're collecting basic biological data to learn more about the life history of blueline tilefish," said David from his office in Manteo, NC. "With the state observers onboard we'll also get better data on bycatch associated with the fishery. This is a relatively clean fishery."

"We're happy to be fishing again, but this closure shouldn't have happened" said Dewey Hemilright, a commercial fisherman from Wanchese, NC and Vice-Chairman of the Council's Dolphin Wahoo Advisory Panel. "The



A large blueline tilefish is measured and then an otolith extracted for aging. The samples are sent to the NMFS Beaufort Lab for processing. The size and age data may be used in a new stock assessment for the species.



Courtesy of David Hoke

closure put an unnecessary burden on fishermen when the data were there to show we don't catch speckled hind and warsaw grouper," said Hemilright. "We've had about 20 trips so far and there haven't been any catches of these two species."

A SEDAR stock assessment is scheduled for blueline tilefish in 2013. The data collected through the project will be considered for the assessment.



Tilefish have become a favorite of local chefs.

New Commercial Trip Limits in Place for Vermilion Snapper and Gag Grouper; Greater Amberjack Trip Limit Increases Effective July 15, 2011

Regulatory Amendment 9 Commercial Actions:

- Establish a vermilion snapper trip limit = 1,500 lbs.
- Establish a gag grouper trip limit = 1,000 lbs.
- Increase the greater amberjack trip limit from 1,000 lbs. to 1,200 lbs. (all lbs. are gutted weight)

As overfishing is ended for gag grouper, vermilion snapper and black sea bass and biomass increases, their Annual Catch Limits are likely to be met earlier each fishing season. Increasingly restrictive regulations compound this problem as fishermen shift from other more restricted fisheries and target these species.

Regulatory Amendment 9 was developed by the Council to help prevent the progressive shortening of fishing seasons by establishing commercial trip limits for vermilion snapper and gag grouper and proposed a split season quota for the black sea bass fishery. The split black season quota was not approved by the Secretary of Commerce due to concerns about possible interaction of black sea bass pots with right whales during their winter migration. In addition, the amendment increases the current trip limit for amberjack, a species that is not overfished nor undergoing overfishing.

Comprehensive Ecosystem-Based Amendment 2 Approved by Council

During its June meeting, the Council approved its second Comprehensive Ecosystem-Based Amendment for submission to the Secretary of Commerce. CE-BA 2 encompasses a cross-section of fishery management plans, affecting a range of fisheries issues including management of octocorals; harvest limits for Special Management Zones in South Carolina; sea turtle and smalltooth sawfish release gear requirements, and designation Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPC) for the Snapper Grouper, Coral and Sargassum management plans.

The amendment is currently under review by NOAA Fisheries Service. The Council will receive an update on the status of the review during its September meeting.

Actions in Comprehensive Ecosystem-Based Amendment 2

- Modify the Coral Fishery Management Plan to include octocorals in federal waters offshore of NC, SC and GA. The Florida Fish and Wildlife Conservation Commission would assume management of octocorals off the coast of Florida in both state and federal waters, and the management plan would no longer extend into the Gulf Council's area of jurisdiction.
- Set the Annual Catch Limit for octocorals in the South Atlantic (north of Cape Canaveral to NC) at zero.
- Restrict harvest of snapper grouper species, mackerel, and cobia to the recreational bag limit in SMZs off the coast of SC.
- Modify sea turtle and smalltooth sawfish release gear requirements for the commercial snapper grouper fishery.
- Modify Essential Fish Habitat/Habitat Areas of Particular Concern designations.



Black Sea Bass Snapshot

- Current stock status: Overfished and Undergoing Overfishing
- The stock is in Year 5 of a 10-year rebuilding program and is scheduled to be rebuilt by the end of the 2015/2016 fishing year.
- Fishing Year - June 1st through May 31st
- **New** recreational bag limit - 5 fish per person/day effective June 22, 2011.
- Recreational ACL = 409,000 pounds (whole weight)
- Commercial ACL = 309,000 pounds (whole weight)
- The commercial fishery closed on July 15, 2011 after it was projected to meet the ACL.
- The recreational fishery was closed for the first time ever in February 2011 after reaching the ACL during the 2010/2011 fishing year. Recreational landings include headboat and charter vessels.
- Because the stock is overfished, if the ACL is exceeded within the fishing year, the overages must be deducted from the following year's ACL. This applies to both commercial and recreational sectors.
- NOAA Fisheries Service is responsible for monitoring landings and projecting when ACLs are met. Overages are currently being calculated for the 2010/2011 fishing year.
- A benchmark stock assessment is underway for South Atlantic black sea bass through the Southeast Data, Assessment and Review (SEDAR) stock assessment program.
- The stock assessment will be reviewed by the Council's Scientific and Statistical Committee in November. The Council will receive the stock assessment results during its December 2011 meeting.



South Atlantic Council Invited to Testify at Congressional Hearing on NOAA's Fishery Science

Council member and past chairman Duane Harris testified on July 26, 2011 before the House Committee on Natural Resources, Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs during an oversight hearing titled, "NOAA's Fishery Science: Is the Lack of Basic Science Costing Jobs?"

The hearing focused on how NOAA's National Marine Fisheries Service collects data necessary for the management and allocation of fishery resources, how the amendments to the Magnuson-Stevens Fishery Conservation and Management Act have affected domestic fishery management, and how the agency plans to provide fishery managers with better and more up to date information given increasingly tight budgets. Other invited panelists included Assistant Administrator of NOAA's National Marine Fisheries Service, Eric Schwaab, representatives from other regional management agencies, fishing organizations, and individual fishermen, including Council member George Geiger. A copy of the 5-minute testimony presented by Mr. Harris is available from the Council's website at www.safmc.net. Additional information on the hearings is available at:

<http://naturalresources.house.gov/Calendar/EventSingle.aspx?EventID=252461>.

"Improving the data on which stock assessments are based, both fishery dependent and fishery independent data, is essential if we are to gain back the trust of the fishing public."
Council Member
Duane Harris

New Staffers!

There are some new faces around the Council office. We would like to welcome the following:



Dr. Mike Errigo

Mike Errigo recently came on board at the Council as a Fisheries Scientist. Mike received his PhD in marine biology from the University of Maine and holds an MA from Boston University. Mike participated in the Lobster Stock Assessment Committee in the

Northeast and completed his postdoctoral fellowship at Virginia Tech. Mike's postdoctoral work included modeling issues involving weakfish and black sea bass.



Dr. Kari MacLauchlin

Kari MacLauchlin completed her PhD in the Interdisciplinary Ecology program at the University of Florida. Her research focused on how fishermen adapted to the Florida spiny lobster trap certificate program.

Previous to coming on board at the SAFMC as the Fisheries Social Scientist, Kari worked in the National Marine Fisheries Service (NMFS) Office of Policy as a Knauss Policy fellow.



Andrea Grabman

Andrea Grabman is the new Assistant Public Information Officer at the Council. Prior to coming to work for the SAFMC, Andrea worked as a biologist and educator for the South Carolina state park system. Andrea holds a MS in marine sciences from Stony Brook University and a BS in marine biology from the College of Charleston.



Dr. Brian Chevront

Brian Chevront is the newest staff member at the SAFMC. Brian previously served as the Vice-chairman for the Council and the Council representative for the North Carolina Division of Marine Fisheries (NC DMF). Brian's new position as a Fishery Economist for the SAFMC utilizes his background as the socio-economic program manager for the NC DMF, where he worked for over ten years. Brian holds a PhD from North Carolina State University in social psychology.



Here's Looking at YOU!

Snapper Grouper Advisory Panel chairman Don DeMaria snapped this shot while diving off the coast of NC recently as part of a project to collect octocorals for use in biomedical research. The dives were made possible through an Exempted Fishery Permit. Can you find the flounder?

Council Appointments *(Continued from page 2)*

of us at the West Palm Beach Fishing Club believe in giving something back for future generations. Decades of various scientific and fishery related associations make the SAFMC a logical choice toward accomplishing this goal. My hope is to play a positive role. Realistically there will be a steep learning curve to overcome, but I am up for it. Let's go!" Mr. Jolley specializes in billfish research and continues to contribute to his numerous scientific publications on fisheries. He replaces Council member George Geiger, who leaves the Council after serving three consecutive terms.

New State Agency Representatives

In addition to the appointments of David Cupka and John Jolley to the Council, two new state agency representatives have recently been appointed to serve on the Council.



Dr. Michelle Duval

Dr. Michelle Duval, the Executive Assistant for Councils at the North Carolina Division of Marine Fisheries, serves as the new agency representative for the North Carolina Department of Environment and

Natural Resources (NCDENR). Dr. Duval replaces former Council member Dr. Brian Chevront. Dr. Chevront served on the Council for four years as the representative for the NCDENR and held the position as Council Vice-chairman since September 2010. Dr. Chevront recently took on a new position as the staff economist for the Council.



Jessica McCawley

Jessica McCawley, the Biological Administrator III of the Florida Fish and Wildlife Conservation Commission (FWC), replaces Mark Robson as the agency representative on the Council. After serving on the South Atlantic Council for eight years, Mr. Robson recently retired from his position as the Director of Marine Fisheries with FWC. Council members and staff wish Mark a long and happy retirement at his new home in the NC mountains.



Note!

September Council Meeting
Public Comment Sessions

Wednesday, September 14

5:30 pm

*Informal Q&A with Regional Administrator Dr. Roy
Crabtree and Council Chairman David Cupka*

Thursday, September 15

2:00 pm

*SAFMC formal public comment on the corrected
version of the Comprehensive ACL Amendment and
any other agenda items.*

**SAFMC Meeting Dates and Locations
2011 Schedule**

March 7-11, 2011
Sea Palms Conf. Center
5445 Frederica Road
St. Simons Island, GA 31522
Phone: 1/800-841-6268

September 12-16, 2011
Charleston Marriott Hotel
170 Lockwood Boulevard
Charleston, SC 29403
Phone: 1/800-968-3569

June 13-17, 2011
Marriott Beachside Hotel
3841 N. Roosevelt Blvd.
Key West Florida 33040
Phone: 1/800-546-0885

Dec 5-9, 2011
Holiday Inn Brownstone
1707 Hillsborough St.
Raleigh, NC 27605
Phone: 1/800/331-7919

August 9, 2011
Charleston Marriott Hotel
170 Lockwood Boulevard
Charleston, SC 29403
Phone: 1/800-968-3569

South Atlantic Fishery Management Council Meeting



September 12-16, 2011

Charleston Marriott Hotel
170 Lockwood Blvd.
Charleston, SC 29403

Phone: 800/968-3569 or 843/723-3000

For a detailed agenda contact the Council office toll free at 1-866
SAFMC-10 or 843/571-4366. The agenda is also available on the
Council's web site www.safmc.net

Acronyms

- ABC - Allowable Biological Catch
- ACCSP - Atlantic Coast Cooperative Statistics Program
- ACL - Annual Catch Limit
- AM - Accountability Measure
- ACT - Annual Catch Target
- AP - Advisory Panel
- ASMFC - Atlantic States Marine Fisheries Commission
- BRD - Bycatch Reduction Device
- EEZ - Exclusive Economic Zone
- EFH - Essential Fish Habitat
- EFH/HAPC - Essential Fish Habitat/Habitat Area of Particular Concern
- FMP - Fishery Management Plan
- HMS - Highly Migratory Species
- ITQ - Individual Transferable Quota
- LAPP - Limited Access Privilege Program
- MSY - Maximum Sustainable Yield
- MRFSS - Marine Recreational Fishing Statistics Survey
- NMFS - National Marine Fisheries Service
- OY - Optimum Yield
- SEDAR - Southeast Data, Assessment, and Review (stock assessment process)
- SSC - Scientific & Statistical Committee
- SFA - Sustainable Fisheries Act
- TAC - Total Allowable Catch
- VMS - Vessel Monitoring System

MEETING AGENDA

Monday	1:30 - 5:30	Joint Shrimp and Deepwater Shrimp Advisory Panel Meeting
Tuesday	8:30 - 12:00	Shrimp Committee Meeting
	1:30 - 3:00	Spiny Lobster Committee Meeting
	3:00 - 4:00	Law Enforcement Committee Meeting
	4:00 - 5:30	Ecosystem-Based Management Committee Meeting
Wednesday	8:30 - 9:30	Executive/Finance Committees Meeting
	9:30 - 10:30	Mackerel Committee Meeting
	10:30 - 12:00	SEDAR Committee Meeting
	1:30 - 3:30	Golden Crab Committee Meeting
	3:30 - 5:00	Snapper Grouper Committee Meeting
		<i>Informal Public Q & A Session - 5:30 PM</i>
Thursday	8:30 - 12:00	Snapper Grouper Committee Meeting (continued)
	1:30 - 5:30	- Council Session -
		<i>Public Comment Session begins at 2:00 pm</i>
Friday	8:30 - 12:00	- Council Session -

Watch the Council meeting LIVE online!

To watch the Council meeting live from Charleston, SC, choose a direct link for live video feed as the meeting occurs at www.safmc.net.

Mark your calendar...

- October 5-6** *SAFMC Snapper Grouper Advisory Panel Meeting*
N. Charleston, SC www.safmc.net
- October 11-13** *Mid-Atlantic Fishery Management Council Meeting*
Galloway, NJ www.mafmc.org
- October 11-13** *SEDAR 25 (black sea bass, golden tilefish) Review Workshop*
N. Charleston, SC Contact Kari Fenske 843/571-4366
- October 13** *SEDAR Steering Committee Meeting*
N. Charleston, SC Contact John Carmichael 843/571-4366
- October 25-26** *SAFMC Coral Advisory Panel Meeting*
N. Charleston, SC www.safmc.net
- October 25-26** *SAFMC Information & Education Advisory Panel Meeting*
N. Charleston, SC www.safmc.net
- October 24-28** *Gulf of Mexico Fishery Management Council Meeting*
New Orleans, LA www.gulfcouncil.org
- November 7-10** *Atlantic States Marine Fisheries Commission 70th Annual Meeting*
Boston, MA www.asmfc.org
- November 8-10** *SAFMC Scientific and Statistical Committee Meeting*
N. Charleston, SC www.safmc.net



U.S. DEPARTMENT OF COMMERCE

National Oceanic And Atmospheric Administration

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201
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