



MAGNUSON – STEVENS ACT SCOPING DOCUMENT

Comprehensive Ecosystem-Based Amendment 2

JANUARY 2009

South Atlantic Fishery Management Council

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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 South Atlantic Fishery Management Council is soliciting public input on possible options under consideration by the Council. The Council is considering amending the Coral Fishery Management Plan (FMP) to:

- (1) potentially modify the limited take of octocorals and/or octocoral reporting,
- (2) examine the potential for a lease program for octocoral culture,
- (3) potentially allow the take of the erect forms of *Briareum* sp. (Deadman's fingers) and *Erythropodium* sp. (encrusting coral), and
- (4) potentially establish a permit system to harvest the invasive scleractinian coral species *Tubestrea coccinea* (orange cup coral).
- (5) potentially modify/expand the deepwater Coral Habitat Areas of Particular Concern (CHAPCs) based on research and exploration in the near future.

(6) The Council is considering amending the *Sargassum* FMP to potentially modify the limited take of *Sargassum*.

(7) The Council is considering amending other Council FMPs as needed to designate new or modify existing EFH and EFH-HAPCs as required by the EFH Final Rule.

(8) The Council is considering addressing impacts from fishing gear on habitat. In particular, the Council is concerned about potential impacts to bottom habitat from recreational and commercial "deep-dropping" for snapper grouper species and highly migratory species, respectively, and potential gear impacts from the wreckfish fishery.

NEED FOR ACTION

1. The National Marine Fisheries Service (NMFS) reports that recent landings of octocorals are coming closer to the 50,000 colony annual quota. Currently, the quota includes landings for both the Gulf and South Atlantic. Hence, the Council is concerned that the quota may need to be modified (i.e., establish separate quotas for the Gulf and South Atlantic) and landings data examined to determine if the existing data reporting system and management measures continue to be appropriate. In addition, octocorals are designated Essential Fish Habitat (EFH)

for a number of Council-managed species, yet their harvest is allowed. The Council requests public input on whether to continue to allow directed harvest of Essential Fish Habitat (EFH) in the South Atlantic.

2. The Council's live-rock aquaculture permit and management system allows permitted aquaculturists to place geologically-distinguishable rock in their permit site. The rock can later be harvested with any growth, including prohibited hard corals and octocorals, as long as they are attached to the cultured rock. If the Council were to take action to prohibit harvest of octocorals in Federal waters, public input is sought as to whether the current live-rock aquaculture permit and management system should be modified to include octocoral harvest. That is, individuals who are currently harvesting octocoral, would have to apply for a live-rock permit to be able to continue to harvest octocorals.
3. At the request of members of its Coral Advisory Panel (AP), the Council seeks input on whether to allow harvest of two species, the octocoral *Briareum* sp. (Deadman's fingers) and *Erythropodium* sp. (encrusting coral). Currently, octocorals are allowed to be harvested along with the substrate within one inch of the holdfast. However, harvest of the encrusting forms is usually not feasible since this entails harvesting the rock on which the colony is growing. The Coral Advisory Panel (AP) maintains, however, that the erect form of Deadman's fingers is easily harvested without the substrate and there is demand for it. Similarly, *Erythropodium* sp., even though it is an encrusting coral, can easily be peeled off the substrate on which it is growing. Hence the Coral Advisory Panel (AP) requested that the Council consider allowing take of these two species without the substrate on which they are growing.
4. The orange cup coral, *Tubestrea coccinea*, is a stony coral not native to the South Atlantic region. The harvest of stony corals is prohibited in the South Atlantic. However, at the request of the Coral Advisory Panel (AP), the Council is considering the feasibility and implications of establishing a permit system to allow harvest of this invasive coral species.
5. Deepwater Coral Habitat Areas of Particular Concern (CHAPCs) have been proposed for designation through the Council's Comprehensive Ecosystem-Based Amendment 1 (CE-BA 1 in development). It is expected that research and exploration in the near future will provide additional information to possibly modify/expand these areas.

6. The *Sargassum* Fishery Management Plan (FMP) specified a total allowable catch (TAC) of 5,000 pounds wet weight per year, limited harvest to November through June to protect turtles, required observers onboard any vessel harvesting *Sargassum*, prohibited harvest within 100 miles of shore, and established gear specifications. *Sargassum* has been designated Essential Fish Habitat (EFH) for a number of Council-managed species, yet its harvest is allowed. The Council requests public input on whether to continue to allow directed harvest of Essential Fish Habitat (EFH) in the South Atlantic.
7. The Council's Comprehensive Ecosystem-Based Amendment 1 (CE-BA 1 in development), contains spatial information on designated Essential Fish Habitat (EFH) and Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs). This information was required by the Essential Fish Habitat (EFH) Final Rule in 2002. Through the Comprehensive Ecosystem-Based Amendment 2 (CE-BA 2), the Council intends to amend Council Fishery Management Plans (FMPs) as needed to revise existing and possibly designate new Essential Fish Habitat (EFH) and Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) as required by the Essential Fish Habitat (EFH) Final Rule.
8. The Council is aware of the increasingly popular "deep-dropping" technique used by recreational fishermen targeting snapper grouper species and highly migratory species such as swordfish. This technique involves the use of weights to position the fishing rig at a desired depth and then releasing the weight upon a fish being caught. The concern is that this technique is being employed in the vicinity of vulnerable habitats (i.e., deepwater corals) that would experience significant damage from weights landing on them. Wreckfish are harvested commercially using a 30-50 pound sinker, cable and terminal rig while motor fishing. However, it is unknown if this harvest technique has any impacts on bottom habitat. It is the Council's intent to assess whether gear impacts from these fisheries are likely to jeopardize the integrity of deepwater coral habitat in the South Atlantic region.

COMPREHENSIVE ECOSYSTEM-BASED AMENDMENT 2 PUBLIC SCOPING MEETING SITES AND DATES

Scoping meetings will be held from 3:00 P.M – 7:00 P.M. at the following locations. Written comments must be received by 5 P.M on February 6, 2009. The Council accepts comments sent by mail, fax, or E-mail (CEBA2Scoping@safmc.net).

<p><u>January 26, 2009</u> Hilton Garden Inn 5265 International Blvd. N. Charleston, South Carolina 29418 Phone: 843-308-9331</p>	<p><u>January 27, 2009</u> Bridge Pointe Hotel 101 Howell Road New Bern, North Carolina 28562 Phone: 252-636-3637</p>
<p><u>February 3, 2009</u> Key Largo Grande 97000 South Overseas Highway Key Largo, Florida 33037 Phone: 305-852-5553</p>	<p><u>February 4, 2009</u> Doubletree Hotel 2080 N. Atlantic Avenue Cocoa Beach, Florida 32931 Phone: 321-783-9222</p>
<p><u>February 5, 2009</u> Mighty Eighth Air Force Museum 175 Bourne Ave. Pooler, Georgia 31322 Phone: 912-748-8888</p>	

Council staff and local Council representatives (see Appendix A for Council members and responsible staff members) will be on hand to answer questions concerning the Comprehensive Ecosystem-Based Amendment 2 (CE-BA 2) and other topics covered during this series of scoping meetings. Members of the public will have the opportunity to provide comments on the record at any time during the hours posted above.

Other topics being covered during these meetings include scoping for the Council’s Comprehensive Annual Catch Limit (ACL) Amendment and Snapper Grouper Amendment 18. In addition, public hearings are being held for the Fishery Ecosystem Plan and Comprehensive Ecosystem-Based Amendment 1. Copies of the documents for these topics can be accessed at www.safmc.net or by contacting the Council office.

What Next?

Written comments must be provided to the Council by 5 P.M. on February 6, 2009.

All comments will be considered by the Council in drafting the Comprehensive Ecosystem-Based Amendment 2. There will be a number of opportunities to provide public input if the Council moves forward to develop an amendment. A simplified schematic of the Council process is presented in Appendix B.

Timing for CE-BA II:

- Public scoping (Magnuson-Stevens Act) through February 6, 2009.
- Council reviews scoping comments & provides direction to Staff – March 2-6, 2009 meeting in Jekyll Island, GA.
- NMFS holds National Environmental Policy Act (NEPA) scoping meeting during June 8-12, 2009 meeting in Stuart, FL if the determination is made that an Environmental Impact Statement is needed rather than an Environmental Assessment.
- Council reviews an Options Paper & provides direction to Staff – June 8-12, 2009 meeting in Stuart, FL.
- Council approves Amendment for public hearings – September 14-18, 2009 meeting in Charleston, SC.
- Public hearings – November 2009.
- Review informal & public hearing comments and approve for formal review by the Secretary of Commerce – December 6-11, 2009 meeting in Atlantic Beach, NC.
- If necessary, review the complete document and approve for formal review by the Secretary of Commerce – March 1-5, 2010 meeting in Jekyll Island, GA.

**Appendix A. South Atlantic Fishery Management Council 2008-2009 Membership.
The names of the Council Members who serve on the Ecosystem-Based
Management Committee appear in bold.**

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Appendix B. A Simplified Schematic of the Council Process

