

Decision Document

SNAPPER GROUPEL REGULATORY AMENDMENT 17 (MPAs for Speckled hind & Warsaw grouper)

Or

NEW SG AMENDMENT 36: SPAWNING SPECIAL MANAGEMENT ZONES (SMZs) (Protect Spawning Aggregations/Areas)

(Note: The SMZ procedure would need to be amended to create Spawning SMZs;
see Item #9 in Appendix C of the Spawning SMZ Scoping Document.)

Presented to: Snapper Grouper Committee

May 15, 2014

I. Background – Why are we here?

1. **240' Closure implemented** – Measures in Amendment 17B (SAFMC 2010) included a deepwater closure (240 ft. seaward) for deepwater species to help protect warsaw grouper and speckled hind, two deepwater species extremely vulnerable to overfishing. Regulations became effective on January 31, 2011.
2. **240' Closure removed** – Regulatory Amendment 11 (SAFMC 2012) **eliminated the restriction on the possession or harvest of some deepwater snapper grouper species in waters greater than 240 feet deep.** Regulations became effective on May 10, 2012. The deepwater species closure was implemented in January 2011 to help protect speckled hind and warsaw grouper; however, data indicate that the closure may not significantly reduce bycatch of these species while the socioeconomic impacts of the closure are significant in some areas. The Council originally planned to re-address measures to reduce bycatch of speckled hind and warsaw grouper in Comprehensive Ecosystem-Based Amendment 3 (CEBA 3). The issue of protecting speckled hind and warsaw grouper was moved from CEBA 3 to Regulatory Amendment 17 to have changes implemented more quickly.
3. **Lawsuit** – The Secretary of Commerce was sued by the Natural Resources Defense Council and Ocean Conservancy on June 8, 2012 after removal of the 240' closure. NMFS/Council stated they would take additional action; still no decision from judge.

4. **So what's the additional action?**
 - a. Snapper Grouper Regulatory Amendment 17 (MPAs for speckled hind & warsaw grouper)
 - b. MPA Expert Workgroup – Council requested recommendations on potential areas
 - c. Coral Amendment 8 – expanded Coral HAPCs; sent to the Secretary of Commerce for formal review on 11/26/13. Based on regulations in the Coral HAPCs, fishing will be reduced (e.g., no anchoring). The MPA Rankings prepared by the MPA Expert Work Group assumed 50% protection efficiency for CHAPCs. This means that the Coral HAPCs are 50% as effective as an MPA (Source: MPA Spreadsheet; Nick Farmer, NMFS SERO). The following actions affecting the total effective area under “MPA protection” are in Coral Amendment 8:
 1. Action 1. Expand Oculina Bank HAPC – 267 square miles + 76 square miles = 343 square miles of additional area would be added to the current area under “MPA protection”.
 2. Action 3. Expand Stetson-Miami Terrace Coral HAPC – 490 square miles of additional area would be added to the current area under “MPA protection”.
 3. Action 4. Expand Cape Lookout Coral HAPC – 10 square miles of additional area would be added to the current area under “MPA protection”.
5. **The Council is evaluating additional action** regardless of how the judge rules on the lawsuit relating to removal of the 240’ closure.

II. Regulatory Amendment 17 (MPAs)

1. Purpose is to reduce bycatch of speckled hind (474 in 2012) and warsaw grouper (202 in 2012).
2. Presentations at December 2013 Council meeting – the Council received outreach, law enforcement, and research/monitoring presentations on the existing MPAs with the following general conclusions:
 - a. Outreach – all goals completed
 - b. Limited law enforcement due to existing and anticipated level of resources
 - c. Limited monitoring due to existing and anticipated level of resources
 - d. Concern about including currently open monitoring sites (MARMAP) into MPAs and impacts on the time series of fishery-dependent data used in assessments
 - e. It is difficult to document benefits from existing sites, including the Oculina Experimental Closed Area (OECA) that has been closed since 1994 (20 years) due to limited enforcement and limited monitoring. Indirect evidence of benefits from the OECA is indicated by the movement of gag during cold water intrusion events. The cold water may be pushing gag out of the OECA into the surrounding area where they are being harvested.
3. System Management Plan – the Council has approved drafting a written plan that will outline the specific projects (with estimated costs for each project) that are necessary to effectively enforce, monitor, and evaluate the existing MPAs. Adequate resources will continue to be a challenge but at least a written plan will be available. It is anticipated that the Council will review a draft of this plan at the September 2014 meeting.

4. Council approved a list of Type 2 sites (fishing for snapper grouper species is prohibited but fishing for other species is allowed) for scoping in August 2014 and requested that the SG AP receive the same presentations from the December 2013 Council meeting at their April 2014 meeting, and provide recommendations to the Council in June 2014.

III. Large MPAs – large MPAs, such as those included in the current scoping document targeting speckled hind and warsaw grouper, will meet with lots of public resistance and the process of moving forward would likely result in failure for establishing new MPAs.

IV. Separate ongoing efforts

1. **Spawning aggregation locations**, once identified, are designated as EFH and EFH-HAPCs – this provides a level of habitat protection from energy and other offshore development activities (Comprehensive Amendment Addressing EFH in Fishery Management Plans of the South Atlantic Region; October 1998).
2. **Snapper grouper framework** allows the Council to close areas identified as spawning locations (Snapper Grouper Amendment 4; April 1991). This could reduce bycatch from the closed areas. Such changes would be implemented using a Regulatory Amendment.
3. **Placement of artificial reefs within existing MPAs** – properly located, these could provide protection for warsaw grouper and likely speckled hind. The Charleston Deep Reef MPA and Snowy Wreck MPA were established as areas where artificial reef material could be placed. The Council would work cooperatively with States and State Artificial Reef Programs to build support and place materials.

V. Opportunity to Modify Approach and provide more protection for spawning/aggregations sites:

1. **Current approach** – take all the sites developed by the MPA Expert Workgroup out to public scoping for comment
 - a. Large sites = large impact on fishermen = much public resistance
 - b. Supported by NGOs, many scientists, and some public
 - c. Likelihood of being implemented is low
2. **Potential alternative approach: Create Spawning SMZs off NC, SC, GA, and FL** – scope a process for identifying spawning sites/aggregations for snapper grouper species, including speckled hind and warsaw grouper, based on the characteristics of sites important for spawning (bottom topography, current systems, etc.) (See **Attachment 12b** for more specifics on this approach). **NOTE: The alternative approach using Spawning SMZs would only consider prohibiting fishing for and/or possession of snapper grouper species (species included in the snapper grouper fishery management unit); fishing for all other species would be allowed!** During scoping and public hearings, the public would be encouraged to suggest sites that could be considered. Also, explore placement of artificial reefs within existing MPAs to target warsaw grouper, speckled hind, and other snapper grouper species. **The alternative approach would not make any changes to the existing MPAs.**

- a. Smaller sites = lower impacts on fishermen = public support = voluntary compliance.
 - b. Benefit many species, including speckled hind and warsaw grouper.
 - c. Motions by the Snapper Grouper Advisory Panel at their November 2013 meeting provide an indication of the level of support that could be expected from the public for smaller, targeted locations that focus on areas of known spawning due to the physical dynamics of the areas.
 - d. NGOs, many scientists, and some members of the public would probably feel the alternative approach is not sufficient for speckled hind and warsaw grouper. However, this objection may be overcome due to the overall spawning protection and ultimately they may support this alternative approach.
 - e. Likelihood of being implemented is higher.
 - f. Promotes voluntary compliance. Enforceability in these smaller, more frequently visited areas may be much better due to the probability of a violator being seen by others in the area.
 - g. Snapper Grouper Committee Chair (Dr. Michelle Duval) and Council Chair (Ben Hartig) approved staff presenting this alternative approach to the Snapper Grouper AP at their April 2014 meeting.
- VI. Timing** – this new approach, if approved by the Council in June 2014, will not change the existing schedule shown below.
1. June 9-13, 2014 meeting in Ponte Vedra Beach, Florida – Committee/Council review SG AP input and approve/modify the scoping document. If the SG AP recommends and/or the Committee/Council chooses the alternative approach, the current Purpose & Need Statement in Regulatory Amendment 17 will need to be modified during the June meeting prior to scoping. Approve for scoping at the June meeting with scoping to be held during August.
 2. August 6-14, 2014 – scoping
 3. September 15-19, 2014 meeting in Charleston, South Carolina
 - a. Review scoping input
 - b. Provide guidance for more complete analyses
 4. December 1-5, 2014 meeting in New Bern, North Carolina
 - a. Review analyses/amendment
 - b. Modify & approve for public hearings
 5. January 2015 – public hearings
 6. March 2-6, 2015 meeting in Georgia
 - a. Review public hearing input
 - b. Modify amendment and approve all actions
 7. June 8-12, 2015 meeting in Key West, Florida
 - a. Review final amendment
 - b. Approve for formal review
 8. Send for formal review – June/July 2015
 9. Implementation target – January 2016

- VII. Snapper Grouper Advisory Panel** – the Snapper Grouper AP met April 8-11, 2014 with MPAs all day on April 9th. The following items were covered:
1. Overview – Gregg Waugh/Roger Pugliese
 2. Presentations on existing MPAs & Regulatory Amendment 17 potential sites:
 - a. Kim Iverson (Council staff) – Outreach
 - b. LT Mike Mastrianni (Coast Guard)/Myra Brouwer (Council staff) - Law Enforcement
 - c. Stacey Harter – SEFSC Panama City
 - d. Tracey Smart/Marcel Reichert – MARMAP/SERFS
 - e. Joey Ballenger/George Sedberry – MPA Expert Workgroup Recommendations
 3. Presentations on protecting Spawning Aggregations/Areas (available at meeting):
 - a. Will Heyman – LGL Ecological Research Associates Inc.
 - b. Michael Burton – SEFSC Beaufort
 - c. John Hunt – FL FWC
 - d. Mel Bell – Artificial Reefs off SC
 4. Scoping Document and Potential Alternative Approach
 - a. Overview – Gregg Waugh
 - b. AP Discussion and Recommendations – Robert Johnson

Snapper Grouper AP MOTION: RECOMMEND THE COUNCIL TAKE THE ALTERNATIVE APPROACH TO SCOPING IN AUGUST REGARDLESS OF THE RA 11 LAWSUIT OUTCOME, AND PRESERVING THE ABILITY TO LIMIT FISHING ON MORE SPECIES OTHER THAN JUST SNAPPER AND GROUPEER SPECIES. APPROVED BY SNAPPER GROUPEER AP (UNANIMOUSLY)

VIII. Committee/Council Decision on Which Approach to take to August 2014 Scoping

The alternative approach is outlined in **Attachment 12b** and the current approach is outlined in **Attachment 12c**. Council Staff will walk the committee through the alternative approach and briefly review the current approach.

COMMITTEE ACTION: Discuss the two approaches and provide a recommendation to the Council

- Option 1. Approve the alternative approach (**Attachment 12b**) for scoping in August 2014.
- Option 2. Approve the current approach (**Attachment 12c**) for scoping in August 2014.
- Option 3. Others??