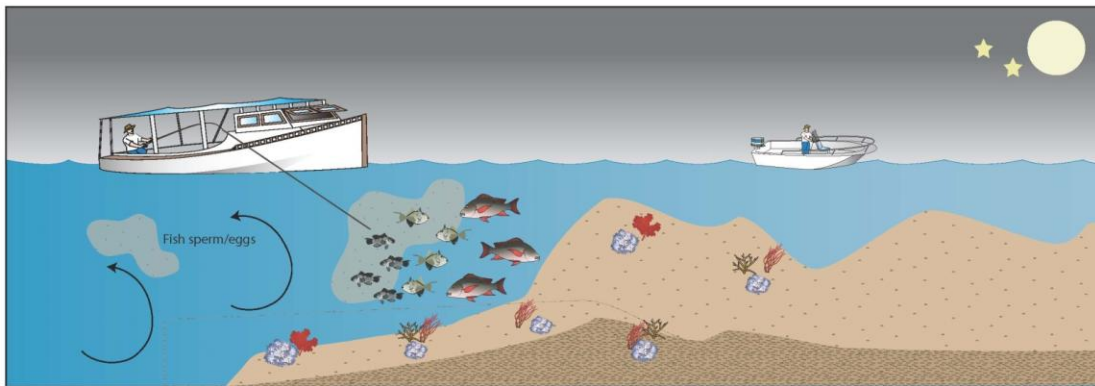




DECISION DOCUMENT

With September 2014 Council Motions

Amendment 36 to the Fishery Management Plan For the Snapper Grouper Fishery of the South Atlantic Region: Spawning SMZs off NC, SC, GA, and FL



Spawning Aggregations & Larval Transport around Specific Lunar Cycles

OCTOBER 7, 2014

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405
(843) 571-4366; (843) 769-4520 (FAX)

Website: www.safmc.net Email scoping comments: mike.collins@safmc.net
(Note: Please put SGAmend36 in the Subject line of your email comment.)



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Cover graphic by Amber Vonharten, SAFMC Staff

INTRODUCTION

Why is the Council taking action?

1. **Protect spawning habitat & spawning fish** – Certain habitat areas are very important for a number of species as sites where they aggregate to spawn. Protecting these areas, and the associated habitat, will produce more eggs, larvae, and subsequent recruitment of juvenile fish.
2. **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.
3. **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.
4. **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.
5. **So what's the additional action?**
 - a. Snapper Grouper Amendment 36 (Spawning SMZs for a number of species including speckled hind & warsaw grouper)
 - b. MPA Expert Workgroup – the Council formed a group of MPA experts composed of scientists and fishermen with experience studying snapper grouper species or observing spawning in the South Atlantic Council's area. The group was requested to review scientific data on spawning sites, habitat mapping, and species occurrence and to provide recommendations on potential areas. The group met twice and provided a report that is available from the Council's website and included in the Background folder. (See: <http://www.safmc.net/managed-areas/marine-protected-areas>) The Council reviewed the areas recommended by the group and decided to move forward with looking at spawning SMZs rather than additional MPAs. The Council will use the data compiled by the group when determining spawning SMZ areas to evaluate as they review the public input received during the scoping process.
 - c. Coral Amendment 8 – expanded Coral HAPCs; sent to the Secretary of Commerce for formal review on 11/26/13; the proposed rule published in the Federal Register

on June 3, 2014 and comments were due on or before July 3, 2014. Amendment 8 was approved on August 20, 2014; the final rule will be published in the near future. 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:

- i. 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”.
- ii. Action 3. Expand Stetson-Miami Terrace Coral HAPC – 490 square miles of additional area would be added to the current area under “MPA protection”.
- iii. Action 4. Expand Cape Lookout Coral HAPC – 10 square miles of additional area would be added to the current area under “MPA protection”.

6. The Council is evaluating additional action regardless of how the judge rules on the lawsuit relating to removal of the 240’ closure.

Scoping meetings were held in August 2014 from North Carolina through Florida. See Attachment 8a for a summary of the comments; a pdf summary and a spreadsheet are included along with all the individual comments. A folder with background material contains: (a) the MPA Expert Workgroup Report (including the Minority Report), (b) the Regulatory Amendment 17 Scoping Document discussed at the March and June 2014 Council meetings, and (c) Amendment 36 Scoping Presentation. This MPA Expert Workgroup Report includes information on previous availability of spawning fish in certain areas that can help inform selection of candidate sites for further exploration and ground-truthing.

PURPOSE & NEED FOR ACTION

Purpose: Identify important spawning habitat for snapper grouper species that can be designated for protection to enhance spawning and increase recruitment. Reduce bycatch of snapper grouper species, including speckled hind and warsaw grouper.

Need: Protect spawning FISH AND THEIR habitat; promote recruitment; and reduce bycatch mortality of economically and ecologically important snapper grouper species, including speckled hind and warsaw grouper, while minimizing, to the extent practicable, social and economic impacts to snapper grouper fishermen.

The Snapper Grouper AP approved the Purpose & Need wording at their April 8-10, 2014 meeting. The Council approved the Purpose & Need for scoping at their June 2014 meeting.

SEPTEMBER COUNCIL ACTION:

MOTION: MODIFY AND APPROVE THE NEED FOR SNAPPER GROUPE AMENDMENT 36:

Need: Protect spawning FISH; promote recruitment; and reduce bycatch mortality of economically and ecologically important snapper grouper species, including speckled hind and warsaw grouper, while minimizing, to the extent practicable, social and economic impacts to snapper grouper fishermen.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

WHAT ACTIONS ARE BEING CONSIDERED

The Council is considering the following actions in Amendment 36:

- Specify 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.).
- **Note: Currently Spawning SMZs would only consider prohibiting fishing for and/or possession of snapper grouper species (species in the snapper grouper fishery management unit).**
- During scoping and public hearings, the public is encouraged to suggest sites that could be considered. The scoping document did not include any proposed sites/areas. It is anticipated that the public hearing draft would include preliminary sites/areas (based on public input from scoping, as well as additional information), and the final amendment would specify proposed Spawning SMZ sites.
- Explore placement of artificial reefs on appropriate bottom type within existing MPAs to target warsaw grouper, speckled hind, and other snapper grouper species.
- **Note: The Spawning SMZ approach would not make any changes to the existing MPAs.** The Council is developing a System Management Plan to specify the outreach, law enforcement, and monitoring/research projects (with cost estimates) necessary to effectively monitor and evaluate the existing MPAs.

The Snapper Grouper AP also approved the following motion related to using Spawning SMZs:

SG 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 GROUPER SPECIES.

SEPTEMBER COUNCIL ACTION:

MOTION: IT IS THE COUNCIL'S INTENT THAT SPAWNING SMZS WOULD ONLY CONSIDER PROHIBITING FISHING FOR AND/OR POSSESSION OF SNAPPER GROUPER SPECIES (SPECIES IN THE SNAPPER GROUPER FISHERY MANAGEMENT UNIT).

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

Action 1. Modify the Special Management Zone (SMZ) procedure

Alternative 1. No Action. The current SMZ procedure does not allow protection of natural bottom important for spawning.

Alternative 2. Modify the SMZ procedure to include protection of natural bottom important for spawning by designating Spawning SMZs.

Note: It is the Council's intent that the Spawning SMZ approach would not make any changes to the existing Marine Protected Areas (MPAs) or SMZs. The Council is developing a System Management Plan to specify the outreach, law enforcement, and monitoring/research projects (with cost estimates) necessary to effectively monitor and evaluate the existing MPAs.

Two Alternatives Considered

Section 1502.14(a) of the National Environmental Policy Act (NEPA) states that "agencies shall: rigorously explore and objectively evaluate all reasonable alternatives...." Two reasonable alternatives for this action, including the no action alternative, have been identified by NMFS and the South Atlantic Fishery Management Council (South Atlantic Council). The Council is considering modifying the existing SMZ procedure to include protection of natural bottom important for spawning and is not considering any other modifications at this time. Therefore, the South Atlantic Council and NMFS have determined it is not reasonable to include additional alternatives for modifications to the SMZ procedure.

Scoping Comments – comments received were positive for moving forward with Spawning SMZs; there was one negative opinion, one suggesting using as a last resort, and a couple identifying things that need to take place before and after Spawning SMZs are established.

AP Comments – the Snapper Grouper AP previously approved a motion that the Council take the alternative approach (Snapper Grouper Amendment 36) to scoping in August regardless of the Regulatory Amendment 11 lawsuit outcome, and preserving the ability to limit fishing on more species other than just snapper grouper species, that is all species in the snapper grouper fishery management unit.

SEPTEMBER COUNCIL ACTION:

MOTION: APPROVE THE WORDING OF ACTION 1 AND THE RANGE OF ALTERNATIVES.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

Discussion

Artificial Reef Special Management Zones (SMZs) were established in the original Snapper Grouper Fishery Management Plan (SAFMC 1983) to limit certain gear used on

artificial reefs. The following is taken directly from the Original Snapper Grouper FMP (SAFMC 1983):

“Management Measure #17: Prohibition or Restraint of Specific Fishing Gear From Artificial Reefs. Upon request to the Council from the permittee (possessor of a Corps of Engineers permit) for any artificial reef or fish attraction device (or other modification of habitat for the purpose of fishing) the modified area and an appropriate surrounding area may be designated as a Special Management Zone (SMZ) that prohibits or restrains the use of specific types of fishing gear that are not compatible with the intent of the permittee for the artificial reef or fish attraction device. This will be done by regulatory amendment similar to adding or changing minimum sizes (Section 10.2.3):

1. A monitoring team* will evaluate the request in the form of a written report considering the following criteria:
 - a. fairness and equity
 - b. promote conservation
 - c. excessive shares
2. At the request of the Steering Committee, the Council Chairman may schedule meetings of the Advisory Panel (AP) and/or Scientific and Statistical Committee (SSC) to review the report and associated documents and to advise the Council. The Council Chairman may also schedule a public hearings.
3. The Council, following review of the Team’s report, supporting data, public comments, and other relevant information, may recommend to the Southeast Regional Director of the National Marine Fisheries Service (RD) that a SMZ be approved. Such a recommendation would be accompanied by all relevant background data.
4. The RD will review the Council’s recommendation, and if he concurs in the recommendation, will propose regulations in accordance with the recommendations. He may also reject the recommendation, providing written reasons for rejection.
5. If the RD concurs in the Council’s recommendations, he shall publish proposed regulations in the Federal Register and shall afford a reasonable period for public comment which is consistent with the urgency of the need to implement the management measure(s).

*Monitoring Team – The Team will be comprised of members of Council staff, Fishery Operations Branch (Southeast Region, NMFS), and the NMFS Southeast Fisheries Center.

Impact and rational

The intent of a SMZ is to create incentive to create artificial reefs and fish attraction devices that will increase biological production and/or create fishing opportunities that would not otherwise exist. The drawback to “investing” in artificial reefs or fish attraction devices is that they are costly and have limited advantages that can be rapidly dissipated by certain types of fishing gear (e.g. traps harvesting black sea bass from artificial reefs). Fishing gear that offers “exceptional advantages” over other gear to the point of eliminating the incentive for artificial reefs and fish attraction devices for users with other types of fishing gear prevent improved fishing opportunities that would not otherwise exist.”

Action 2. Modify the framework procedure to allow modifications of and/or additional Spawning Special Management Zones (Spawning SMZs).

Alternative 1. No Action. The existing framework for the Snapper Grouper FMP does not include modifying or establishing new Spawning SMZs.

Alternative 2. Modify the framework for the Snapper Grouper FMP to include modifying or establishing new Spawning SMZs.

Alternative 3. Modify the framework for the Snapper Grouper FMP to include modifying existing Spawning SMZs.

SEPTEMBER COUNCIL ACTION:

MOTION: APPROVE THE WORDING OF ACTION 2 AND THE RANGE OF ALTERNATIVES

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

DIRECTION TO STAFF FOR ACTIONS 3-6:

1. ANALYZE THE AREAS IDENTIFIED OFF EACH STATE
2. AREA NAMES DESIGNATE AN AREA TO BE ANALYZED; SPECIFIC SIZE/LOCATION WILL BE DETERMINED AFTER ANALYSES ARE COMPLETED
3. EXPANDED CHARTS WITH AREAS
4. SYSTEM MANAGEMENT PLAN FOR THE SPAWNING SMZS AS AN APPENDIX
5. MODIFY THE PURPOSE & NEED TO ADDRESS NEW ACTION TO MOVE MPA OFF SC

Action 3. Establish new Spawning Special Management Zones (Spawning SMZs) off North Carolina

Alternative 1. No Action. There are no Spawning SMZs off North Carolina.

Alternative 2. Establish the following new Spawning SMZ(s) off North Carolina.

Sub-Alternative 2a. Candidate area NC-1. MALCHASE WRECK

Sub-Alternative 2b. Candidate area NC-2. 780 BOTTOM

Scoping Comments – no suggestions for areas were received.

AP Comments – the Snapper Grouper AP had no suggestions for areas off North Carolina.

SEPTEMBER COUNCIL ACTION:

Directed staff to analyze the areas known as the “Malchase Wreck” and the “780 Bottom” and bring alternatives to the Council in December.

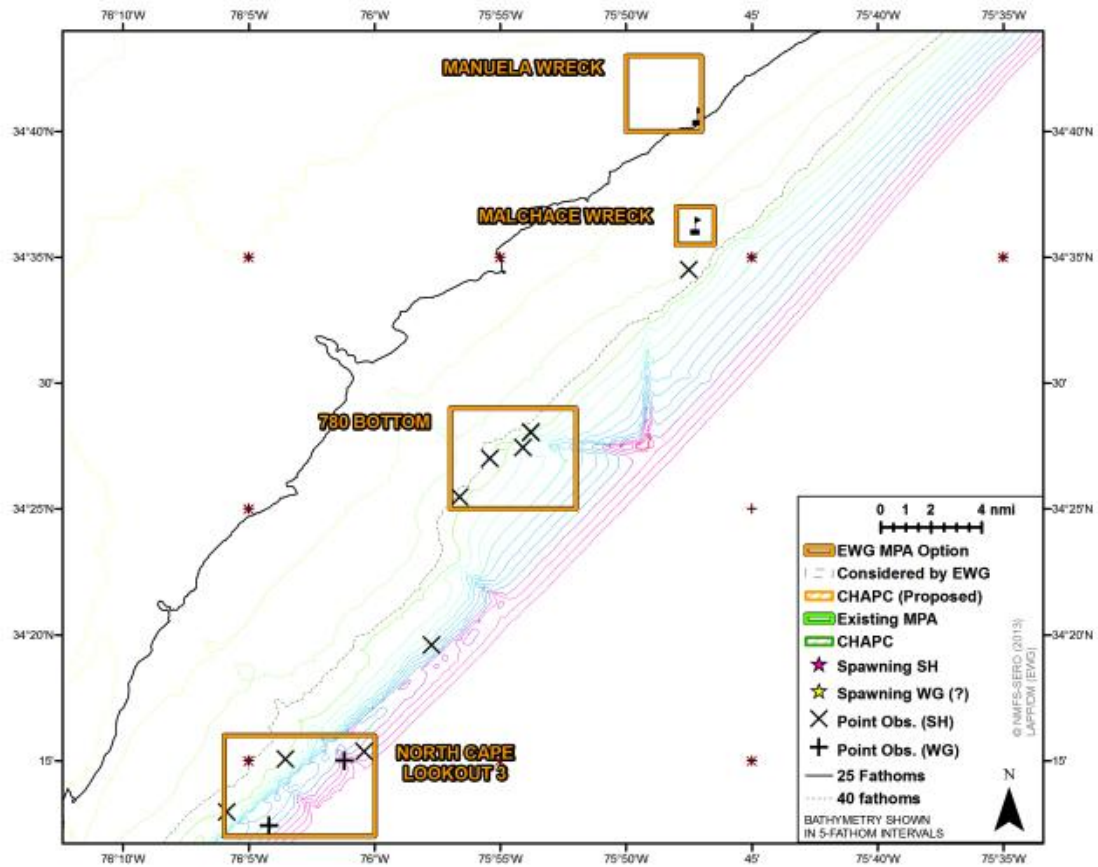


Figure 1. Chart showing areas known as “Malchase Wreck” (2.47 square miles) and “780 Bottom” (22 square miles) off North Carolina.

Action 4. Establish new Spawning Special Management Zones (Spawning SMZs) off South Carolina

Alternative 1. No Action. There are no Spawning SMZs off South Carolina.

Alternative 2. Establish the following new Spawning SMZ(s) off South Carolina.

Sub-Alternative 2a. Candidate area SC-1. DEVILS HOLE 3

Sub-Alternative 2b. Candidate area SC-2. AREA 51

Sub-Alternative 2c. Candidate area SC-3. AREA 53

Scoping Comments – no suggestions for areas were received.

AP Comments – the Snapper Grouper AP previously approved a motion asking the Council to consider reducing the size of the proposed Devils Hole/Georgetown Hole area to 1 square mile. Note: This site was also suggested by the MPA Expert Workgroup.

SEPTEMBER COUNCIL ACTION:

Directed staff to analyze the areas known as “Devils Hole 3”, “Area 51”, and “Area 53” and bring alternatives to the Council in December.

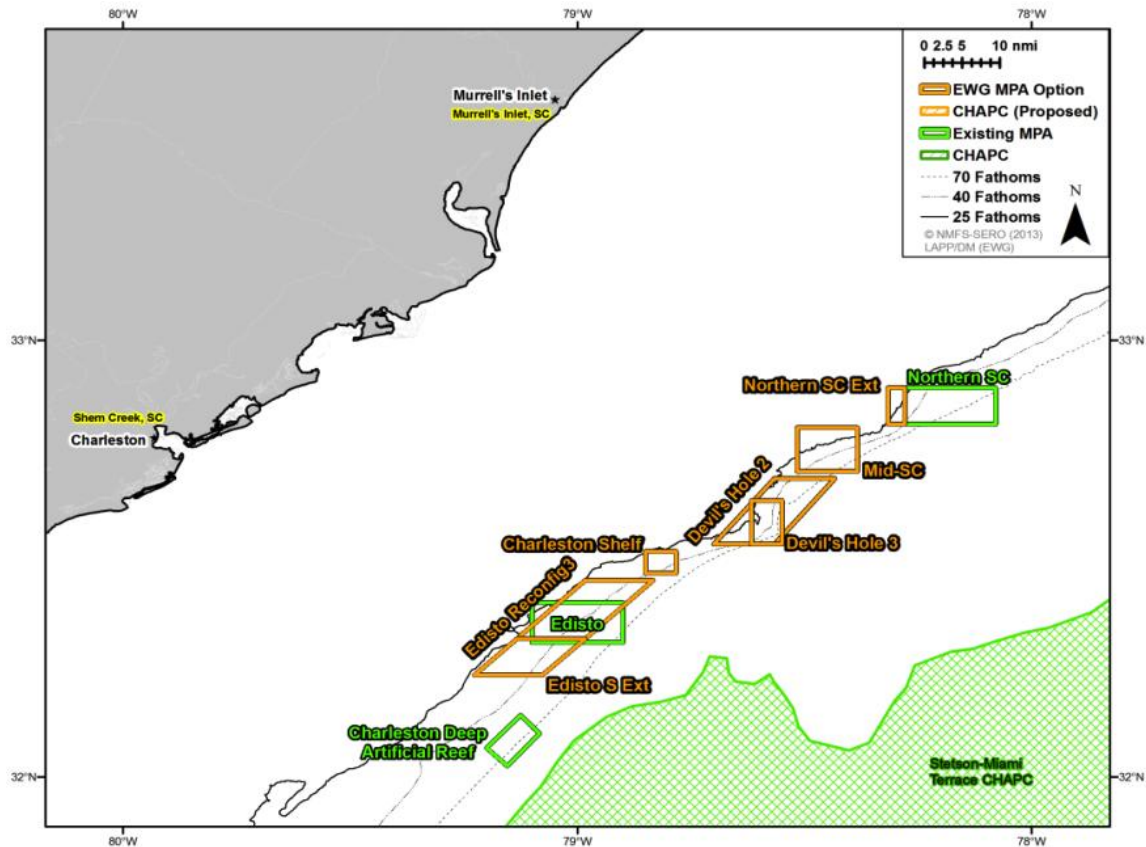


Figure 2. Chart showing area known as “Devils Hole 3” (27 square miles) off South Carolina. Note: The locations of Area 51 & 53 are not being shown at this time to protect these areas. Area 51 is 2.25 square nautical miles and Area 53 is 2.25 square nautical miles.

Action 5. Establish new Spawning Special Management Zones (Spawning SMZs) off Georgia

Alternative 1. No Action. There are no Spawning SMZs off Georgia.

Alternative 2. Establish the following new Spawning SMZ(s) off Georgia.

Sub-Alternative 2a. Candidate area GA-1. GA MPA RECONFIGURATION
(the area outside the existing MPA)

Sub-Alternative 2b. Candidate area GA-2. ST. SIMONS 2 AREA

Scoping Comments – no suggestions for areas were received.

AP Comments – the Snapper Grouper AP had no suggestions for areas off Georgia.

SEPTEMBER COUNCIL ACTION:

Directed staff to analyze the areas known as “GA MPA Reconfigurations” (only the area outside the existing GA MPA) and “St. Simons 2 Area” and bring alternatives to the Council in December.

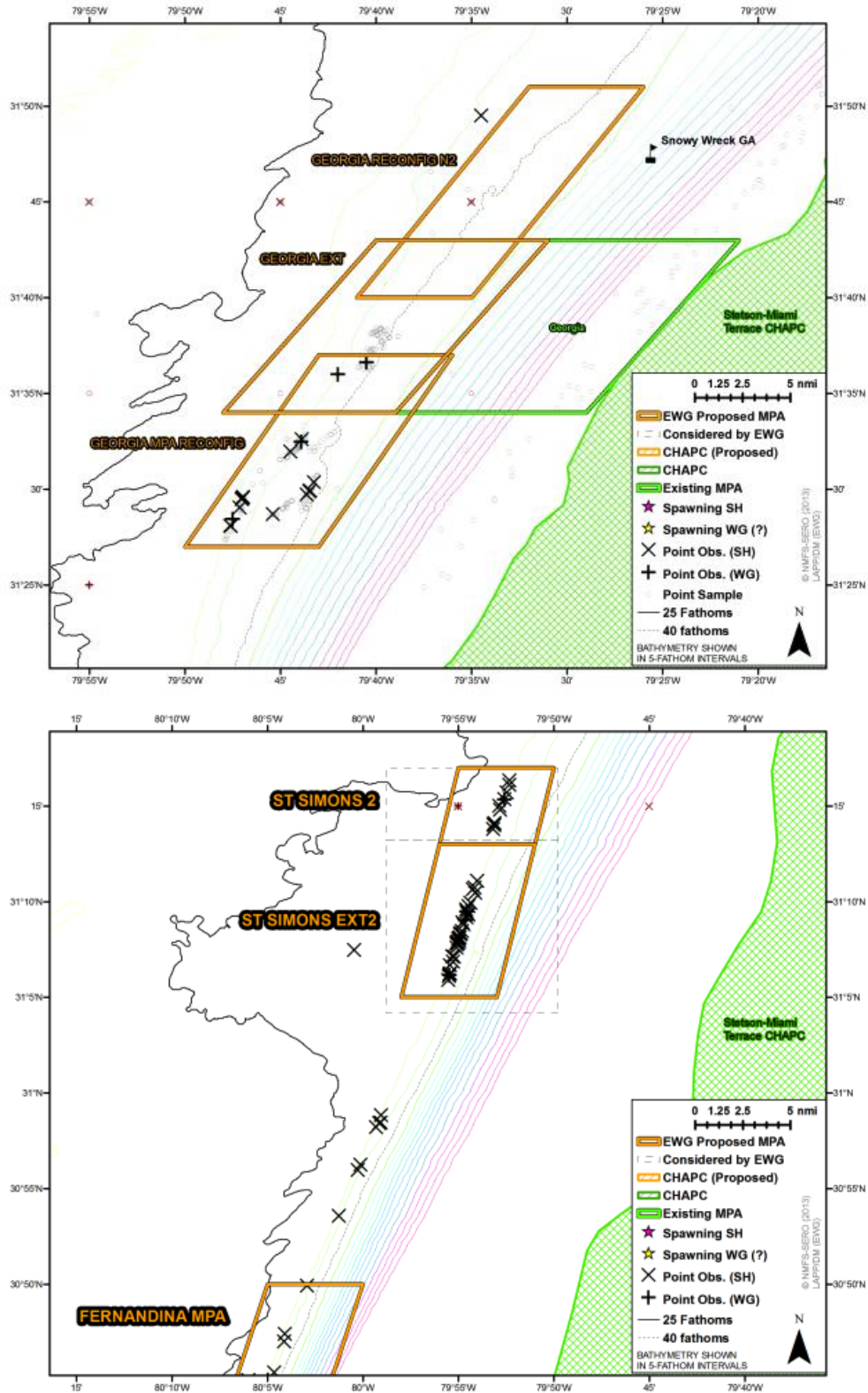


Figure 3. Chart showing areas known as “Georgia MPA Reconfiguration” (slightly less than 79 square miles) and “St. Simons 2” (45 square miles) off Georgia.

Action 6. Establish new Spawning Special Management Zones (Spawning SMZs) off Florida

Alternative 1. No Action. There are no Spawning SMZs off Florida.

Alternative 2. Establish the following new Spawning SMZ(s) off Florida.

Sub-Alternative 2a. Candidate area FL-1. WARSAW HOLE

Sub-Alternative 2b. Candidate area FL-2. DAYTONA STEEPLES

Scoping Comments – suggestions were received to modify the area previously considered as the Warsaw Hole and to consider three wrecks off Jupiter for goliath grouper.

AP Comments – the Snapper Grouper AP discussed sites off Florida and a motion to recommend the Warsaw Hole died on a tie vote.

SEPTEMBER COUNCIL ACTION:

Directed staff to analyze the areas known as “Warsaw Hole” and “Daytona Steeples” and bring alternatives to the Council in December.

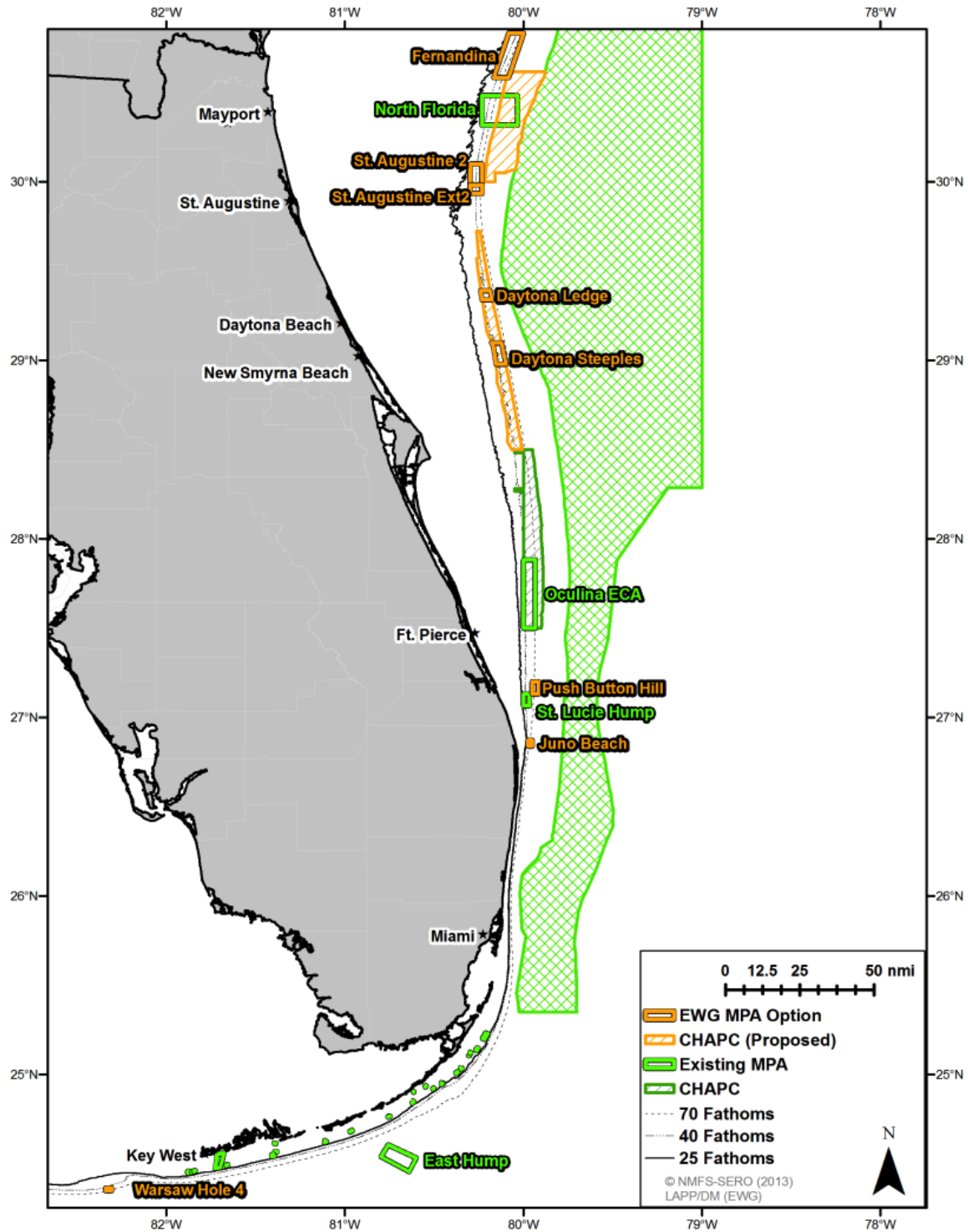


Figure 4. Chart showing areas known as “Daytona Steeples” (27 square miles) and “Warsaw Hole” (2 square miles) off Florida.

Action 7. Move the Existing Charleston Deep Artificial Reef MPA 1.4 miles to the Northwest to Match the Boundary of the Permitted Site

Alternative 1. No Action. Do not move the existing Charleston Deep Artificial Reef MPA.

Alternative 2. Move the Existing Charleston Deep Artificial Reef MPA 1.4 miles to the Northwest to Match the Boundary of the Permitted Site

SEPTEMBER COUNCIL ACTION:

MOTION: ADD A NEW ACTION TO MOVE THE SC DEEPWATER MPA 1.4 MILES TO THE NORTHWEST TO MATCH THE BOUNDARY OF THE PERMITTED SITE
APPROVED BY COMMITTEE
APPROVED BY COUNCIL

Action 8. Consider Time-Area Spawning Closures

Alternative 1. No Action. Do not consider time-area spawning closures.

Alternative 2.

SEPTEMBER COUNCIL ACTION:

MOTION: ADD ALTERNATIVES TO AM 36 THAT WOULD CONSIDER TIME-AREA SPAWNING CLOSURES, AS APPROPRIATE.
APPROVED BY COUNCIL

Table 1. Spawning seasons in the South Atlantic.

Source: Nick Farmer, NMFS SERO.

Stock	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	References
Black sea bass													Sedberry et al. (2006); SEDAR-25 (2011)
Blueline tilefish													Harris et al. (2004)
Cubera Snapper													pers comm. SA fisherman to WDH
Gag													McGovern et al. (1998); Sedberry et al. (2006)
Gray triggerfish													Kelly (2014)
Greater amberjack													Harris et al. (2007)
Red grouper													Burgos et al. (2007)
Red porgy													Daniel (2003); Sedberry et al. (2006)
Red snapper													White and Palmer (2004); Seberry et al. (2006)
Scamp (NC)													Matheson et al. (1986); macroscopic
Scamp (FL)													Gilmore & Jones (1992); based on courtship behavior
Scamp (29.95-32.95 °N)													Harris et al. (2002), Sedberry et al. (2006)
Snowy grouper													Wyanski et al. (2000), SEDAR-36 (2013)
Speckled hind													Ziskin et al. (2011)
Tilefish													Erickson et al. (1985); Sedberry et al. (2006)
Vermilion snapper													Cuellar et al. (1996); Sedberry et al. (2006)
White grunt													Padgett (1997); Sedberry et al. (2006)
Warsaw Grouper													Sedberry et al. (2006)

Spawning

Peak Spawning



What Next?

At the September 2014 meeting, the Council provided guidance on candidate areas to be analyzed for consideration. At the December 2014 meeting, the Council will choose which of these areas will be included for public hearings to be held in early 2015. The Council also added an action to move one existing MPA to match the permitted area and another action to consider time-area closures. The Council will be asked to provide additional guidance on this action at the December meeting. Inclusion of this action would require significantly more analyses and the timing for the public hearings would shift from January/February to early 2015.

Public hearings for Amendment 36 are currently scheduled for early 2015. The public hearing document, PowerPoint presentation, and video presentation will be made available on the Council's website prior to the public hearings. An informal question/answer webinar will be held prior to the public hearings.

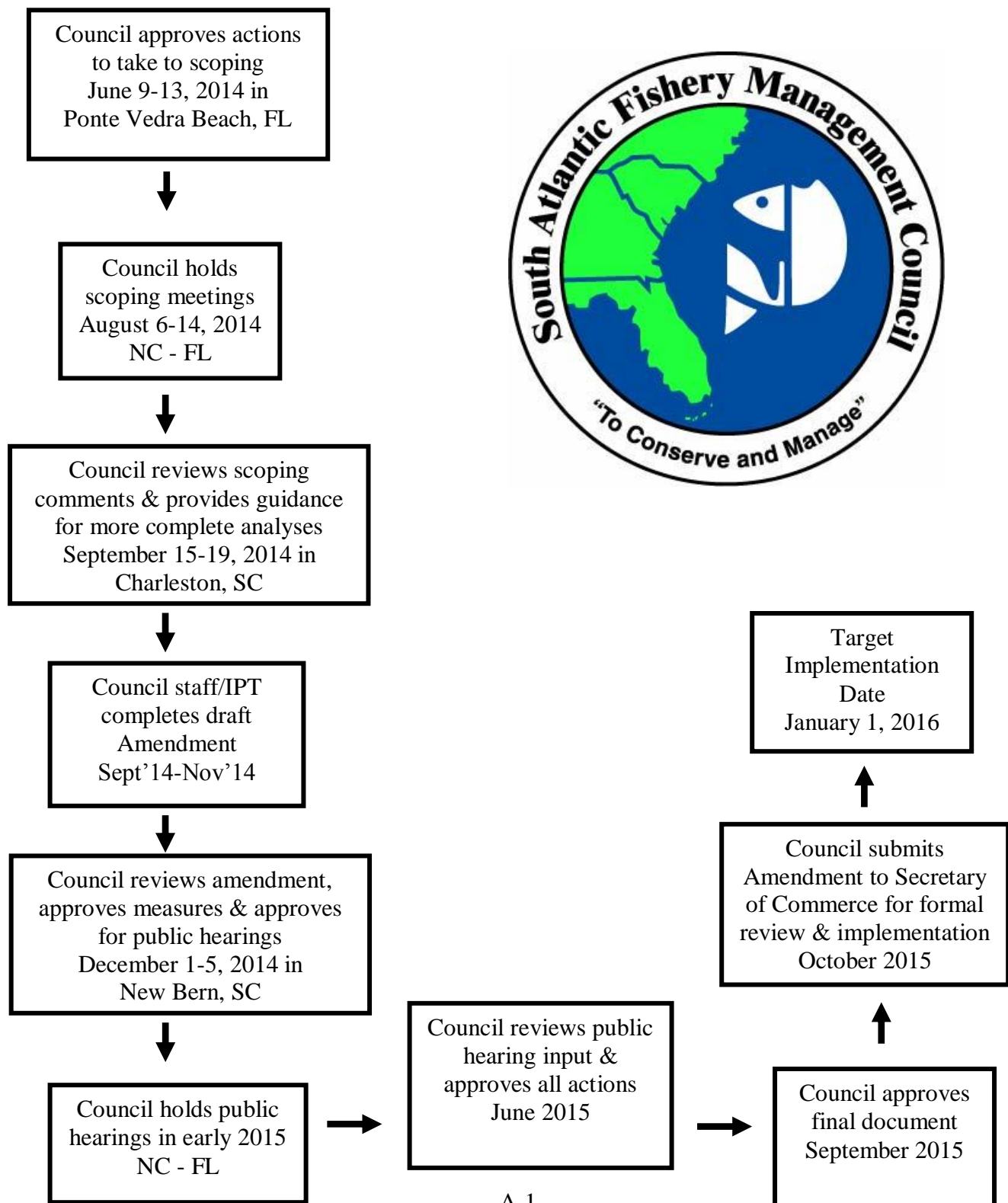
Written comments must be received by 5 P.M. on _____, 2015. All comments will be considered by the Council in drafting Snapper Grouper Amendment 36. There will be a number of opportunities to provide public input if the Council moves forward to develop an amendment. A simplified schematic of the Council process is presented in **Appendix A.**

References

SAFMC (South Atlantic Fishery Management Council). 2010. Snapper Grouper Amendment 17B to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. Available online at: www.safmc.net

SAFMC (South Atlantic Fishery Management Council). 2012. Snapper Grouper Regulatory Amendment 11 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. Available online at: www.safmc.net

Appendix A. A Simplified Schematic of the Council Process for this amendment.



Appendix B. An Approach to Establishing Spawning SMZs off NC, SC, GA, and FL

ALTERNATIVE APPROACH TO PROTECT SNAPPER GROUPEL SPAWNING/AGGREGATIONS

Note: The alternative approach would only consider prohibiting fishing for and/or possession of snapper grouper species (species in the snapper grouper fishery management unit); fishing for all other species would be allowed! The alternative approach would not make any changes to the existing MPAs. The Council is preparing a System Management Plan for the existing MPAs.

- 1. Site Selection** – identifying spawning sites/aggregations for snapper grouper species, including speckled hind and warsaw grouper, will be based on the characteristics of sites important for spawning (e.g., bottom topography, current systems, etc.). This would be done with scientific input on bottom topography and current systems to identify likely sites. Where possible, actual on-site observations would be made by scientists (pulled from scientific literature based on previous work) but preferably based on more current collaborative work between scientists and fishermen (e.g., Dr. Will Heyman's cooperative research contracts off South Carolina and the Florida FWC spawning aggregation study currently underway through a co/op research grant). Potential areas off each state suggested by the public/fishermen outside of cooperative research efforts would also be examined and considered.

During scoping meetings, the public would be encouraged to suggest areas that could be considered. The Council will consider all input from scientists (e.g., MARMAP research results, sites considered by the Council's MPA Expert Workgroup, and Dr. Will Heyman's sampling trips), fishermen, and others. It is anticipated that the Council would prepare a draft list of areas for consideration and evaluation at the September 2014 meeting. Not all areas would be proposed as Spawning SMZs. The Council will determine which are included for detailed analyses. This draft list would be analyzed/evaluated and then at the December 2014 meeting, the Council would approve a draft list for public hearings.

During public hearings, the Council would also consider additional areas if suggested during the hearing/public comment process.

- 2. Size** – the appropriate size would be determined on a case-by-case basis. Law Enforcement favors large square boxes to help with enforcement. Results from other countries indicate benefits from small areas and benefits from larger areas. For a particular area, a square would be drawn with the center of the square at the center of the area and drawn sufficiently large to protect the area identified as important for spawning/aggregations. No buffer would be included. Every attempt would be made to keep the areas as small as possible to protect the important bottom topography while minimizing the impacts to recreational and commercial fishermen from any area closed to snapper grouper harvest. Note: the Snapper Grouper AP commented that if the area were small (e.g., 2x2 or 4x4 square miles), the

Council could consider prohibiting all fishing to improve enforcement; the Council could also look at Type III to seasonally prohibit all fishing. There was some discussion during the Council's June 2014 meeting that if the area were small, the Council could consider prohibiting all fishing on a case-by-case basis to improve enforcement. Any such designation would need to address enforcement concerns. For example, if no one can go into an area, then there would be fewer eyes on the water and it would be easier for poachers to fish the area and not get caught. Public comments on this issue would be very helpful.

3. **Seasonal versus Year-round Closures** – year-round closure would provide protection to the physical bottom and associated habitat while protecting resident fish on the site from any fishing. Remember that these areas would be considered EFH and EFH-HAPCs so we want to protect the habitat in addition to the fish. Seasonal closures would protect the spawning fish/aggregation while allowing access to fishermen but could lead to negative impacts on the habitat and removal of resident fish.
4. **Artificial Reefs to improve habitat** – encourage placement of artificial reefs on appropriate bottom within existing MPAs to target warsaw grouper, speckled hind, and other snapper grouper species. Research has shown that placement of artificial reefs will attract snapper grouper species including warsaw grouper. Protecting these fish within these areas would increase the amount of egg production and subsequent recruitment.
5. **Descending devices** – the Snapper Grouper AP recommended the Council include use of descending devices to improve survival of released fish. Use of innovative descending devices in other areas of the country appears to reduce release mortality.

Snapper Grouper AP MOTION: STRONGLY RECOMMEND THE COUNCIL
REQUEST THE SEFSC CONDUCT RESEARCH ON DESCENDING DEVICES FOR
ALL SNAPPER GROUPE SPECIES
APPROVED BY SNAPPER GROUPE AP

6. **Transit** – the Snapper Grouper AP recommended the Council include a provision to allow transit through the Spawning SMZs with gear appropriately stowed.
7. **Spawning SMZ Enforcement, Monitoring, & Evaluation Plan** –a written plan outlining the specific levels of outreach, enforcement, and research/monitoring that are necessary to determine the effectiveness of the Spawning SMZs will be developed. Specific dates will be set for periodic evaluation reports and review by the Snapper Grouper AP, Scientific and Statistical Committee, and the Council.

8. Artificial Reef Special Management Zones (SMZs) – these were established in the original Snapper Grouper Fishery Management Plan (SAFMC 1983) to limit certain gear used on artificial reefs.

a. Taken directly from the Original Snapper Grouper FMP (SAFMC 1983):

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“Management Measure #17: Prohibition or Restraint of Specific Fishing Gear From Artificial Reefs. Upon request to the Council from the permittee (possessor of a Corps of Engineers permit) for any artificial reef or fish attraction device (or other modification of habitat for the purpose of fishing) the modified area and an appropriate surrounding area may be designated as a Special Management Zone (SMZ) that prohibits or restrains the use of specific types of fishing gear that are not compatible with the intent of the permittee for the artificial reef or fish attraction device. This will be done by regulatory amendment similar to adding or changing minimum sizes (Section 10.2.3):

6. A monitoring team* will evaluate the request in the form of a written report considering the following criteria:
 - a. fairness and equity
 - b. promote conservation
 - c. excessive shares
7. At the request of the Steering Committee, the Council Chairman may schedule meetings of the Advisory Panel (AP) and/or Scientific and Statistical Committee (SSC) to review the report and associated documents and to advise the Council. The Council Chairman may also schedule a public hearings.
8. The Council, following review of the Team’s report, supporting data, public comments, and other relevant information, may recommend to the Southeast Regional Director of the National Marine Fisheries Service (RD) that a SMZ be approved. Such a recommendation would be accompanied by all relevant background data.
9. The RD will review the Council’s recommendation, and if he concurs in the recommendation, will propose regulations in accordance with the recommendations. He may also reject the recommendation, providing written reasons for rejection.
10. If the RD concurs in the Council’s recommendations, he shall publish proposed regulations in the Federal Register and shall afford a reasonable period for public comment which is consistent with the urgency of the need to implement the management measure(s).

*Monitoring Team – The Team will be comprised of members of Council staff, Fishery Operations Branch (Southeast Region, NMFS), and the NMFS Southeast Fisheries Center.

Impact and rational

The intent of a SMZ is to create incentive to create artificial reefs and fish attraction devices that will increase biological production and/or create fishing opportunities that would not otherwise exist. The drawback to “investing” in artificial reefs or fish attraction devices is that they are costly and have limited advantages that can be rapidly dissipated by certain types of fishing gear (e.g. traps harvesting black sea bass from artificial reefs). Fishing gear that offers “exceptional advantages” over other gear to the point of eliminating the incentive for artificial reefs and fish attraction devices for users with other types of fishing gear prevent improved fishing opportunities that would not otherwise exist.”

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- b. Regulatory Amendment 1 (SAFMC 1987): Prohibited fishing in SMZs except with hand-held hook-and-line and spearfishing gear. Prohibited harvest of goliath grouper in SMZs. Implemented Special Management Zones (SMZ) off SC and GA.
 - c. Regulatory Amendment 2 (SAFMC 1989): Established two artificial reefs off Ft. Pierce, FL as SMZs.
 - d. Regulatory Amendment 3 (SAFMC 1989): Established an artificial reef at Key Biscayne, FL as an SMZ in Dade County, FL; prohibited fish trapping, bottom longlining, spearfishing and harvesting of Goliath grouper in SMZ.
 - e. Amendment 4 (SAFMC 1992): Prohibited the use of powerheads in Special Management Zones off SC.
 - f. Regulatory Amendment 5 (SAFMC 1993): Established eight additional Special Management Zones (SMZs) off the coast of South Carolina.
 - g. Regulatory Amendment 7 (SAFMC 1999): Established 10 SMZs at artificial reefs off South Carolina.
 - h. Regulatory Amendment 8 (SAFMC 2000): Established 12 SMZs at artificial reefs off Georgia; revised boundaries of seven existing SMZs off Georgia to meet CG permit specs; restricted fishing in new and revised SMZs.
 - i. Amendment 23 – Comprehensive Ecosystem-Based Amendment 2 (SAFMC 2011): This amendment was included under the Comprehensive Ecosystem-Based Amendment 2 (CE-BA 2) and included measures to limit harvest of snapper grouper species in SC Special Management Zones to the bag limit. Regulations became effective on January 30, 2012. **Preferred Alternative 2.** Limit harvest and possession of snapper grouper species (with the use of all non-prohibited fishing gear) in SMZs off South Carolina to the recreational bag limit. **Preferred Alternative 3.** Limit harvest and possession of coastal migratory pelagic species (with the use of all non-prohibited fishing gear) in SMZs off South Carolina to the recreational bag limit.
9. **Artificial Reef Special Management Zone Procedure** – the current procedure is specific to artificial reefs, fish attraction devices, and/or other modifications of habitat for the purpose of fishing. If this alternative approach moves forward, the current SMZ procedure would need to be expanded to provide for the creation of Spawning Special Management Zones targeting natural habitat.