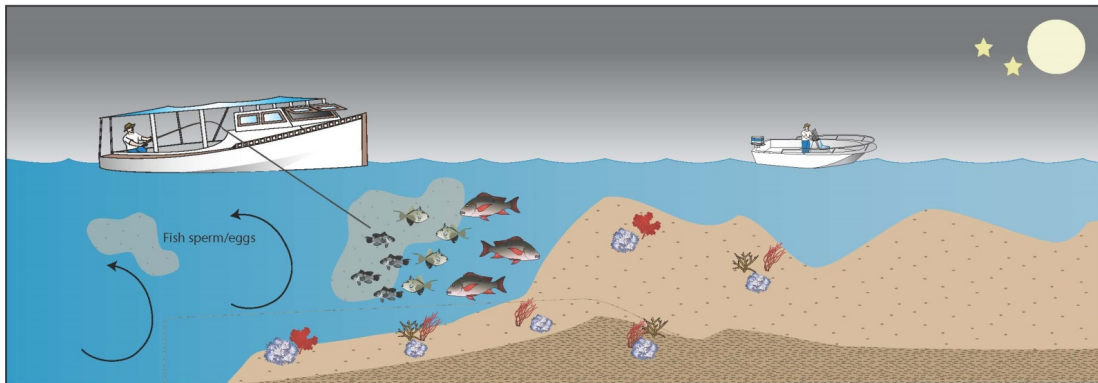




# **MAGNUSON – STEVENS ACT/NEPA SCOPING DOCUMENT**

## **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

**JULY 23, 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](http://www.safmc.net) Email scoping comments: [mike.collins@safmc.net](mailto: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

## BACKGROUND – WHY ARE WE HERE?

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 or observing spawning in the South Atlantic Council's area. The group was requested to review scientific data on spawning sites and to provide recommendations on potential areas. The group met twice and provided a report that is available from the Council's website. (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 are due on or before July 3, 2014. 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.

## **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 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 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.

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.) (See **Appendix C** for more specifics on this approach).
- **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); fishing for all other species would be allowed!**
- During scoping and public hearings, the public will be encouraged to suggest sites that could be considered. The scoping document does not include any proposed sites. It is anticipated that the public hearing draft would include preliminary sites (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.

## What Next?

**Scoping meetings for Amendment 36** will be held as shown below. The scoping document, PowerPoint presentation, and video presentation will be made available on the Council's website prior to the scoping meetings. An informal question/answer webinar will be held prior to the scoping meetings.

**The scoping meetings will begin at 4 p.m. and end at 7 p.m.**

<b><u>August 6, 2014</u></b> Bay Watch Resort & Conference Center 2701 S. Ocean Boulevard N. Myrtle Beach, SC 29582 Phone: 843-272-4600	<b><u>August 7, 2014</u></b> Crystal Coast Civic Center 3505 Arendell Street Morehead City, NC 28557 Phone: 252-247-3883
<b><u>August 11, 2014</u></b> Key West Marriott Beachside 3841 North Roosevelt Boulevard Key West, FL 33040 Phone: 305-296-8100	<b><u>August 12, 2014</u></b> Hilton Cocoa Beach Oceanfront 1550 North Atlantic Ave. Cocoa Beach, FL 32931 Phone: 321-799-0003
<b><u>August 13, 2014</u></b> Wyndham Jacksonville Riverwalk 1515 Prudential Drive Jacksonville, FL 32207 Phone: 904-396-5100	<b><u>August 14, 2014</u></b> Mighty Eighth Air Force Museum 175 Bourne Avenue Pooler, GA 31322 Phone: 912-743-8888

**Written comments must be received by 5 P.M. on August 18, 2014.** 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 B**.

## 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](http://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](http://www.safmc.net)

## Appendix A. South Atlantic Fishery Management Council 2013-2014 Membership

### COUNCIL CHAIRMAN:

**Ben Hartig**  
9277 Sharon Street  
Hobe Sound, FL 33455  
772/546-1541 (ph)  
[mackattackben@att.net](mailto:mackattackben@att.net)

**Anna Beckwith**  
1907 Paulette Road  
Morehead City, NC 28557  
252/671-3474 (ph)  
[AnnaBarriosBeckwith@gmail.com](mailto:AnnaBarriosBeckwith@gmail.com)

### VICE-CHAIRMAN

**Dr. Michelle Duval**  
NC Division of Marine Fisheries  
3441 Arendell St.  
(PO Box 769)  
Morehead City, NC 28557  
252/726-7021 (ph); 252/726-0254 (f)  
[michelle.duval@ncdenr.gov](mailto:michelle.duval@ncdenr.gov)

**Zack Bowen**  
11 Kingsridge Court  
Savannah, GA 31419  
912/898-8760 (ph)  
[fishzack@comcast.net](mailto:fishzack@comcast.net)

**Chris Conklin**  
P.O. Box 972  
Murrells Inlet, SC 29576  
843/543-3833  
[conklincc@gmail.com](mailto:conklincc@gmail.com)

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**Robert E. Beal**  
Executive Director  
Atlantic States Marine Fisheries  
Commission  
1050 N. Highland St., Suite 200 A-N  
Arlington, VA 20001  
703/842-0740 (ph); 703/842-0741 (f)  
[rbeal@asmfc.org](mailto:rbeal@asmfc.org)

**Jack Cox**  
2010 Bridges Street  
Morehead City, NC 28557  
252/728-9548  
[Dayboat1965@gmail.com](mailto:Dayboat1965@gmail.com)

**Dr. Roy Crabtree**  
Regional Administrator  
NOAA Fisheries, Southeast Region  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701  
727/824-5301 (ph); 727/824-5320 (f)  
[roy.crabtree@noaa.gov](mailto:roy.crabtree@noaa.gov)

**Mel Bell**  
S.C. Dept. of Natural Resources  
Marine Resources Division  
P.O. Box 12559  
(217 Ft. Johnson Road)  
Charleston, SC 29422-2559  
843/953-9007 (ph)  
843/953-9159 (fax)  
[bellm@dnr.sc.gov](mailto:bellm@dnr.sc.gov)

**David M. Cupka**  
P.O. Box 12753  
Charleston, SC 29422  
843/795-8591 (hm)  
843/870-5495 (cell)  
[palmettobooks@bellsouth.net](mailto:palmettobooks@bellsouth.net)

**LT Morgan Fowler**

U.S. Coast Guard  
510 SW 11<sup>th</sup> Court  
Fort Lauderdale FL 33315  
[morgan.m.fowler@uscg.mil](mailto:morgan.m.fowler@uscg.mil)

**Doug Haymans**

Coastal Resources Division  
GA Dept. of Natural Resources  
One Conservation Way, Suite 300  
Brunswick, GA 31520-8687  
912/264-7218 (ph); 912/262-2318 (f)  
[doughaymans@gmail.com](mailto:doughaymans@gmail.com)

**John W. Jolley**

4925 Pine Tree Drive  
Boynton Beach, FL 33436  
561/732-4530 (ph)  
[jolleyjw@yahoo.com](mailto:jolleyjw@yahoo.com)

**Deirdre Warner-Kramer**

Office of Marine Conservation  
OES/OMC  
2201 C Street, N.W.  
Department of State, Room 5806  
Washington, DC 20520  
202/647-3228 (ph); 202/736-7350 (f)  
[Warner-KramerDM@state.gov](mailto:Warner-KramerDM@state.gov)

**Dr. Wilson Laney**

U.S. Fish and Wildlife Service  
South Atlantic Fisheries Coordinator  
P.O. Box 33683  
Raleigh, NC 27695-7617  
(110 Brooks Ave  
237 David Clark Laboratories,  
NCSU Campus  
Raleigh, NC 27695-7617)  
919/515-5019 (ph)  
919/515-4415 (f)  
[Wilson\\_Laney@fws.gov](mailto:Wilson_Laney@fws.gov)

**Jessica McCawley**

Florida Fish and Wildlife  
Conservation Commission  
2590 Executive Center Circle E.,  
Suite 201  
Tallahassee, FL 32301  
850/487-0554 (ph); 850/487-4847(f)  
[jessica.mccawley@myfwc.com](mailto:jessica.mccawley@myfwc.com)

**Charles Phillips**

Phillips Seafood / Sapelo Sea Farms  
1418 Sapelo Avenue, N.E.  
Townsend, GA 31331  
912/832-4423 (ph); 912/832-6228 (f)  
[Ga\\_capt@yahoo.com](mailto:Ga_capt@yahoo.com)



**Council Staff Responsible for Snapper Grouper Amendment 36:**

**Gregg Waugh**

Gregg.Waugh@safmc.net

Address:

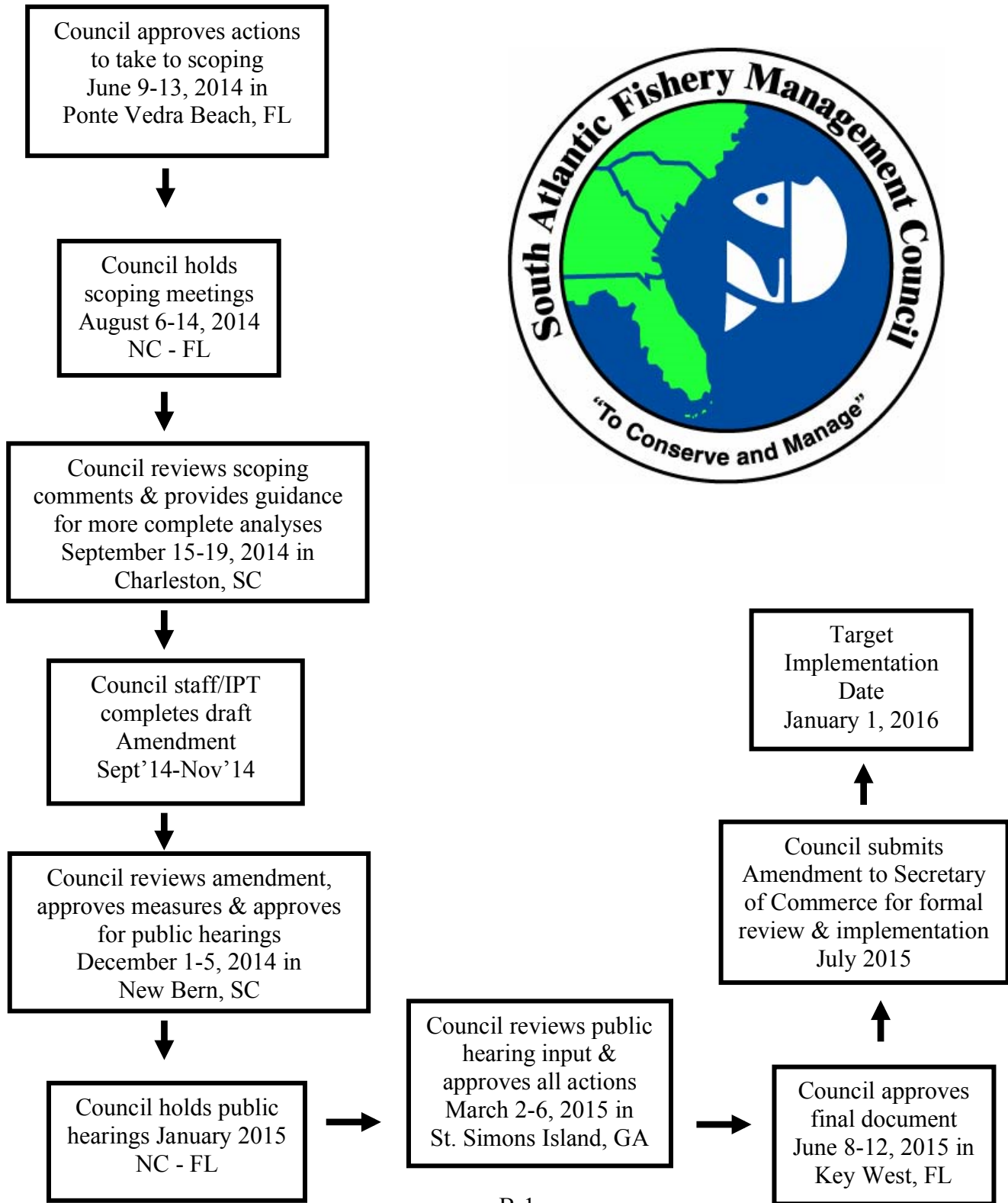
South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

Phone: (843) 571-4366

Toll-free Phone: (866) SAFMC-10

Fax: (843) 769-4520

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



South Atlantic Snapper Grouper  
AMENDMENT 36

B-1

Draft Scoping Document

## Appendix C. 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):

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 rationale

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.