Generic Amendment

to Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions

Scoping Document

Modifications to Federally-Permitted Seafood Dealer Reporting Requirements

Draft NEPA Doc TBD Initial Regulatory Flexibility Act Analysis Regulatory Impact Review

Social Impact Assessment/Fishery Impact Statement

January 24, 2012

This page intentionally left blank

Definitions, Abbreviations, and Acronyms Used in the FMP

ABC	acceptable biological catch
ACL	annual catch limits
AM	accountability measures
ACT	annual catch target
B	a measure of stock biomass in either weight or other appropriate unit
$\mathbf{B_{MSY}}$	the stock biomass expected to exist under equilibrium conditions when fishing at F_{MSY}
$\mathbf{B_{OY}}$	the stock biomass expected to exist under equilibrium conditions when fishing at F_{OY}
$\mathbf{B_{CURR}}$	The current stock biomass
CPUE	catch per unit effort
DEIS	draft environmental impact statement
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
F	a measure of the instantaneous rate of fishing mortality
$\mathbf{F_{30\%SPR}}$	fishing mortality that will produce a static SPR = 30%
$\mathbf{F_{CURR}}$	the current instantaneous rate of fishing mortality
$\mathbf{F_{MSY}}$	the rate of fishing mortality expected to achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}
$\mathbf{F_{OY}}$	the rate of fishing mortality expected to achieve OY under equilibrium conditions and a corresponding biomass of B_{OY}
FEIS	final environmental impact statement
FMP	fishery management plan
FMU	fishery management unit
M	natural mortality rate
MARMAP	Marine Resources Monitoring Assessment and Prediction Program
MFMT	maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	overfishing limit
OY	optimum yield
RIR	regulatory impact review
SAMFC	South Atlantic Fishery Management Council
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SIA	social impact assessment
SPR	spawning potential ratio
SSC	Scientific and Statistical Committee

Generic Amendment

to the Following Fishery Management Plans:
Coral, Coral Reef, and Live/Hardbottom; Dolphin/Wahoo; Golden Crab; *Sargassum*; Shrimp; Snapper Grouper;
(South Atlantic)
And
Corals and Coral Reefs; Red Drum; Reef Fish;
(Gulf of Mexico)
And
Coastal Migratory Pelagics; & Spiny Lobster;
(Jointly-Managed)
with NEPA Document TBD, Initial Regulatory Flexibility Act Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement

---

Proposed actions: To modify the commercial dealer permits and reporting requirements

Lead agency: FMP Amendment – Gulf of Mexico and South Atlantic Fishery Management Councils
NEPA TBD - NOAA Fisheries Service

For Further Information Contact:

Roy E. Crabtree
NOAA Fisheries
Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727-824-5301
Roy.Crabtree@noaa.gov

Gregg Waugh
South Atlantic Fishery Management Council
4055 Faber Place Dr., Suite 201
North Charleston, SC 29405
843-571-4366

John Froeschke
Gulf of Mexico Fishery Management Council
2203 N. Lois Ave., Suite 1100
Tampa, FL 33607
813-348-1630

NOI published:
Scoping meetings held:
Public Hearings held:

Abstract

To be completed

Table of Contents

Abstract ... iii
Table of Contents ... iv
List of Appendices ... vi
List of Figures ... vii
List of Tables ... vii
Generic Amendment List of Actions ... viii
SUMMARY ... 1
Chapter 1. Introduction ... 1
1.1 What Actions Are Being Proposed? ... 1
1.2 Who is Proposing the Actions? ... 1
1.3 Where is the Project Located? ... 2
1.4 Why are the Councils Considering Action? ... 2
1.5 Which Fishery Management Plans Are Being Modified? ... 3
1.6 What are Federal Seafood Dealer Permits and What Are They Required For? ... 3
1.7 What are the Current Dealer Reporting Requirements? ... 3
1.8 What are the Negative Effects from the Current Dealer Reporting Requirements? ... 3
1.9 If this Amendment is Implemented, What Information Will Dealers Be Required to Report and Where Will the Information Go? ... 3
1.10 What is the Management History of Dealer Permits in the Council's Jurisdictions? ... 4
Chapter 2. Proposed Actions ... 5
2.1 Action 1. Dealer Permits Required ... 5
2.1.1 Alternatives ... 5
2.1.2 Comparison of Alternatives ... 8
2.2 Action 2. Frequency and Method of Reporting ... 9
2.2.1 Alternatives ... 9
2.2.2 Comparison of Alternatives ... 10
2.3 Action 3. Penalties for Failure to Report ... 11
2.3.1 Alternatives ... 11
2.3.2 Comparison of Alternatives ... 11
Chapter 3. Affected Environment ... 12
3.1 Habitat Environment ... 13
3.1.1 Inshore/Estuarine Habitat ... 13
3.1.2 Offshore Habitat ... 13
3.1.3 Essential Fish Habitat ... 13
3.1.3.1 Habitat Areas of Particular Concern ... 13
3.2 Biological and Ecological Environment ... 13
3.2.1 Fish Populations ... 14
3.2.2 Protected Species ... 14
3.3 Human Environment ... 14
3.3.3 Social and Cultural Environment ... 14
3.4 Administrative Environment ... 14
3.4.1 The Fishery Management Process and Applicable Laws ... 14
3.4.1.1 Federal Fishery Management ... 14

3.4.1.2 State Fishery Management 15
3.4.1.3 Enforcement 15
Chapter 4. Environmental Effects 17
4.1 Action 1. Dealer Permits Required 17
4.1.1 Biological Effects 17
4.1.2 Economic Effects 17
4.1.3 Social Effects 17
4.1.3.1 Environmental Justice Considerations 17
4.1.4 Administrative Effects 17
4.2 Action 2. Frequency and Method of Reporting 17
4.2.1 Biological Effects 17
4.2.2 Economic Effects 17
4.2.3 Social Effects 17
4.2.3.1 Environmental Justice Considerations 17
4.2.4 Administrative Effects 17
4.3 Action 3. Penalties for Failure to Report 18
4.3.1 Biological Effects 18
4.3.2 Economic Effects 18
4.3.3 Social Effects 18
4.3.3.1 Environmental Justice Considerations 18
4.3.4 Administrative Effects 18
Chapter 5. Reasoning for Councils' Choices for the Preferred Alternatives 19
5.1 Action 1. Dealer Permits Required 19
5.2 Action 2. Frequency and Method of Reporting 19
5.3 Action 3. Penalties for Failure to Report 19
Chapter 6. Cumulative Effects 20
6.1 Biological 20
6.2 Socioeconomic 20
Chapter 7. List of Preparers 21
Chapter 8. List of Agencies, Organizations, and Persons To Whom Copies of the Environmental Assessment are Sent 23
Chapter 9. References 25

List of Appendices

Appendix A. Excerpt from Code of Federal Regulations Concerning Dealer Permits

Appendix B. Alternatives the Councils considered but eliminated from detailed study and a brief discussion of the reasons for their elimination

Appendix C. Current Dealer Reporting Requirements

List of Figures

Figure 1-1. Jurisdictional boundaries of the Gulf of Mexico (light-green), South Atlantic (orange), Mid-Atlantic (green), and New England (red) Management Councils. 2
Figure 1-2. The councils responsible for fishery management plans that that are being considered for modifications by this amendment. 3
Figure 3-1. Two components of the biological environment described in this amendment. 13

List of Tables

Table 7-1. List of Generic Amendment interdisciplinary plan team members. 21

Generic Amendment List of Actions

		PAGE
Action 1.	Dealer Permits Required……	5, 17
Action 2.	Frequency and Method of Reporting…….	9, 17
Action 3.	Penalties for Failure to Report……	11, 17

SUMMARY

of
the Generic Amendment

To be completed

Chapter 1. Introduction

1.1 What Actions Are Being Proposed?

Fishery managers are proposing changes to reporting requirements for federally-permitted dealers for fisheries managed by the Gulf of Mexico and South Atlantic Fishery Management Councils.

1.2 Who is Proposing the Actions?

The Gulf of Mexico Fishery Management Council (Gulf of Mexico Council) and South Atlantic Fishery Management Council (South Atlantic Council) are proposing the actions. The Councils develop regulations for review and implementation by National Marine Fisheries Service (NOAA Fisheries Service) who ultimately approves, disapproves, or partially approves the actions in the amendment on behalf of the Secretary of Commerce. NOAA Fisheries Service is an agency in the National Oceanic and Atmospheric Administration.

Gulf of Mexico and South Atlantic Fishery Management Councils

- Responsible for conservation and management of fish stocks
- Consist of voting members who are appointed by the Secretary of Commerce and non-voting members
- Management area for the Gulf of Mexico Council is the EEZ off the five Gulf states. For South Atlantic Council, the management area is from 3 to 200 miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida through Key West
- Develops management plans and recommends actions to NOAA Fisheries Service for implementation

1.3 Where is the Project Located?

This amendment affects reporting requirements for species in fishery management plans (FMPs). The jurisdictional boundaries of these plans encompass the Gulf of Mexico, South Atlantic, Mid-Atlantic, and New England regions (**Figure 1-1**). Not all species affected by this amendment are managed in all four exclusive economic zones.

Figure 1-1. Jurisdictional boundaries of the Gulf of Mexico (light-green), South Atlantic (orange), Mid-Atlantic (green), and New England (red) Management Councils.

1.4 Why are the Councils Considering Action?

In some cases, existing annual catch limits established by the Gulf of Mexico and South Atlantic Fishery Management Councils have been exceeded due to shortcomings of existing reporting requirements for federally-permitted seafood dealers. Improvements are needed to the accuracy, completeness, consistency, and timeliness of data reported by federally-permitted seafood dealers to meet the requirements of the Magnuson-Steven Conservation and Management Act.

Purpose for Action

To change the current reporting requirements for those individuals or organizations that hold Federal seafood dealer permits for species contained in fishery management plans managed by the Gulf of Mexico and South Atlantic Fishery Management Councils.

Need for Action

To ensure landings of managed fish stocks are below annual catch limits, improvements are needed to the accuracy, completeness, consistency, and timeliness of data submitted by federally-permitted seafood dealers. This action will aid in achieving the optimum yield from each fishery while reducing (1) undue socioeconomic harm to dealers and (2) administrative burdens to fishery agencies.

1.5 Which Fishery Management Plans Are Being Modified?

Fishery managers are considering modifying fishery management plans that affect species managed solely by the Gulf of Mexico Council or the South Atlantic Councils, as well as species managed by both Councils (**Figure 1-2**).

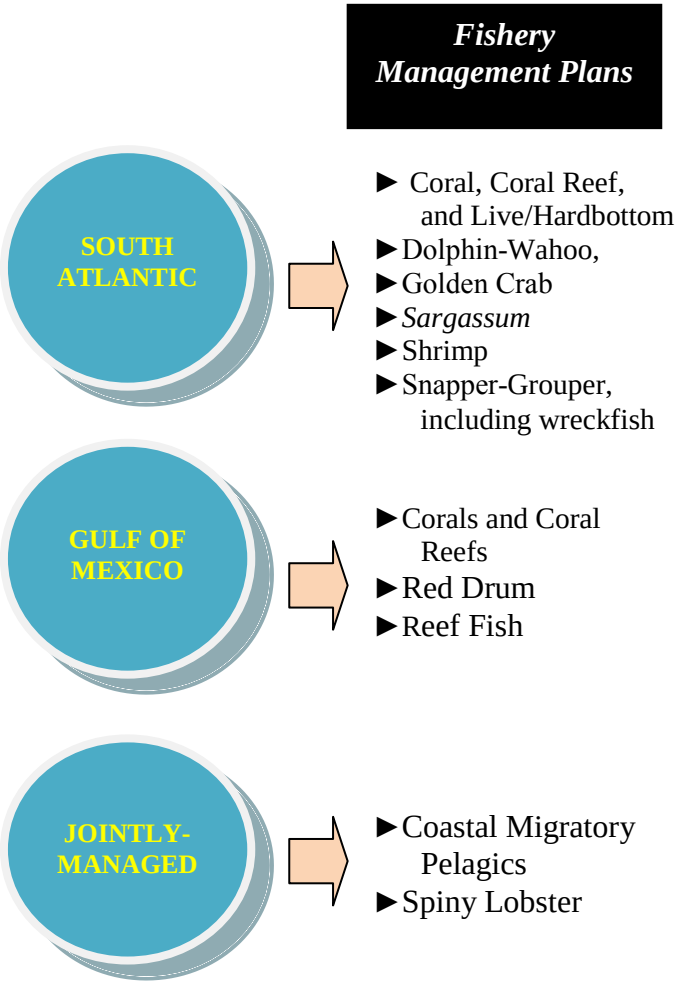

Figure 1-2. The councils responsible for fishery management plans that that are being considered for modifications by this amendment.

1.6 What are Federal Seafood Dealer Permits and What Are They Required For?

A seafood dealer is the person who first receives fish by way of purchase, barter, or trade. Seafood dealers buy product from commercial fishermen and sell directly to restaurants, markets, other dealers, processors, or consumers without substantially altering the product. NOAA Fisheries Service issues Federal dealer permits on an annual basis to those individuals or organizations that wish to become a seafood dealer.

1.7 What are the Current Dealer Reporting Requirements?

See Appendix C. Add description of current dealer reporting requirements, including attributes table.

1.8 What are the Negative Effects from the Current Dealer Reporting Requirements?

This section needs to be completed. Add description if negative effects of current dealer reporting requirements, including effects of ACL overages.

1.9 If this Amendment is Implemented, What Information Will Dealers Be Required to Report and Where Will the Information Go?

This section needs to be completed. Add description of the information that dealers

will be required to report. Describe the collection and processing system and by whom (ACCSP/SAFIS, SEFSC, states, etc.)

1.10 What is the Management History of Dealer Permits in the Council's Jurisdictions?

Gulf of Mexico

The Reef Fish Fishery Management Plan was implemented in November 1984. The implementing regulations included: (1) prohibitions on the use of fish traps, roller trawls, and powerhead-equipped spear guns within an inshore stressed area; (2) a minimum size limit of 13 inches total length for red snapper with the exception that for-hire boats were exempt until 1987 and each angler could keep five undersize fish; and, (3) data reporting requirements.

The National Marine Fisheries Service (NOAA Fisheries Service) has collected annual commercial landings data since the early 1950s, recreational harvest data since 1979, and in 1984 initiated a dockside interview program to collect additional data on commercial harvest.

Amendment 7 (EA/RIR/IRFA), implemented in February 1994, established reef fish dealer permitting and record keeping requirements; allowed transfer of fish trap permits and endorsements between immediate family members during the fish trap permit moratorium; and allowed transfer of other reef fish permits or endorsements in the event of the death or disability of the person who was the qualifier for the permit or endorsement. A proposed provision of this amendment that would have required permitted vessels to sell harvested reef fish only to permitted dealers was disapproved by the Secretary of Commerce and was not implemented.

Amendment 11 (EA/RIR/IRFA) was partially approved by NMFS and implemented in January 1996. The six approved provisions were: (1) limit sale of Gulf reef fish by permitted vessels to permitted reef fish dealers; (2) require that permitted reef fish dealers purchase reef fish caught in Gulf federal waters only from permitted vessels; (3) allow transfer of reef fish permits and fish trap endorsements in the event of death or disability; (4) implement a new reef fish permit moratorium for no more than five years or until December 31, 2000, while the Council considers limited access for the reef fish fishery; (5) allow permit transfers to other persons with vessels by vessel owners (not operators) who qualified for their reef fish permit; and, (6) allow a one-time transfer of existing fish trap endorsements to permitted reef fish vessels whose owners have landed reef fish from fish traps in federal waters, as reported on logbooks received by the Science and Research Director of NMFS from November 20, 1992 through February 6,
1994.

South Atlantic

Add HOM for SA by Gregg

Chapter 2. Proposed Actions

The Three Proposed Actions in the Amendment

Action 1. *What dealer permits would be required and for which species?*

Action 2. *How frequently and by what method would dealers be required to report?*

Action 3. *Are there penalties for non-reporting or late reporting?*

2.1 Action 1. Dealer Permits Required

2.1.1 Alternatives

Alternative 1 (No action). Do not modify the current **six Federal dealer permits**. Dealer permits are currently required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (excluding wreckfish)
- South Atlantic Wreckfish

Alternative 2. Establish **one universal Federal dealer permit.**

Option 2a. Require a universal dealer permit to purchase species that <u>currently require</u> dealer permits. The universal dealer permit would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)

Option 2b. Require a universal dealer permit to purchase <u>all federally-managed species</u>. The universal dealer permit would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Coral and Coral Reefs*
- *Gulf of Mexico Red Drum*
- *Gulf of Mexico Shrimp*
- *South Atlantic Coral, Coral Reef, and Live/Hardbottom*
- *South Atlantic Sargassum*
- *South Atlantic Shrimp*
- *Gulf of Mexico Shrimp*

(Note: Italics designate alterations from Alternative Option 2a.)

Option 2c. Require a universal dealer permit to purchase <u>all federally-managed species, except shrimp species</u>. The universal dealer permit would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Coral and Coral Reefs*
- *Gulf of Mexico Red Drum*
- *South Atlantic Coral, Coral Reef, and Live/Hardbottom*
- *South Atlantic Sargassum*

(Note: Italics designate alterations from Option 2a.)

Alternative 3. Establish **separate Gulf of Mexico and South Atlantic Federal dealer permits.**

Option 3a. Require dealer permits to purchase species that currently require dealer permits. Dealer permits would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)

Option 3b. Require dealer permits to purchase all federally-managed species. Dealer permits would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Coral and Coral Reefs*
- *Gulf of Mexico Red Drum*
- *Gulf of Mexico Shrimp*
- *South Atlantic Coral, Coral Reef, and Live/Hardbottom*
- *South Atlantic Sargassum*
- *South Atlantic Shrimp*
- *Gulf of Mexico Shrimp*

(Note: Italics designate alterations from Option 3a.)

Option 3c. Require dealer permits to purchase all federally-managed species, except shrimp species. Dealer permits would be required to purchase species in the following fishery management plans:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Coral and Coral Reefs*
- *Gulf of Mexico Red Drum*
- *South Atlantic Coral, Coral Reef, and Live/Hardbottom*
- *South Atlantic Sargassum*

(Note: Italics designate alterations from Option 3a.)

2.1.2 Comparison of Alternatives

2.2 Action 2. Frequency and Method of Reporting

2.2.1 Alternatives

Alternative 1 (No Action). Do not modify reporting requirements for federally-permitted dealers. Currently, information must be provided on forms available from the Science and Research Director (SRD) and submitted to the SRD at monthly intervals, postmarked no later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. The SRD has modified the reporting requirements for those dealers holding Gulf of Mexico Reef Fish and South Atlantic Snapper-Grouper (excluding wreckfish) dealer permits. Those dealers must report prior to midnight 5 days following the end of any period (periods defined as: the 1st to the 15th; and the 16th to the end of the month).

Forms may be submitted via mail, fax, or electronically at the discretion of the permit holder. "No purchase forms" must be submitted for Gulf of Mexico Reef Fish, South Atlantic Snapper Grouper (excluding wreckfish), and Snapper Grouper wreckfish, postmarked no later than 5 days after the end of the month, if no purchase is made for the species in a calendar month. During complete months encompassed by the wreckfish spawning season closure (South Atlantic), a wreckfish dealer is not required to submit a report stating that no wreckfish were received.

Alternative 2. Require forms be submitted via *fax or electronically*.

- **Option 2a.** *Daily*. Forms must be submitted by 11:59 P.M. each day.
- **Option 2b.** *Weekly*. Forms must be submitted once a week.
- **Option 2c.** *Weekly or daily*. Forms must be submitted once a week, with the ability to increase to daily as determined by the SRD as landings approach the ACL.
- **Option 2d.** *Bi-monthly*. Forms must be submitted by midnight on the 5th and 20th of each month.
- **Option 2e**. *Bi-monthly or weekly*. Forms must be submitted by midnight on the 5th and 20th of each month, with the ability to increase to daily as determined by the SRD as landings approach the ACL.

Alternative 3. Require forms be submitted *electronically*.

- **Option 3a.** *Daily*. Forms must be submitted by 11:59 P.M. each day.
- **Option 3b.** *Weekly*. Forms must be submitted once a week.
- **Option 3c.** *Weekly or daily*. Forms must be submitted once a week, with the ability to increase to daily as determined by the SRD as landings approach the ACL.
- **Option 3d.** *Bi-monthly*. Forms must be submitted by midnight on the 5th and 20th of each month.
- **Option 3e**. *Bi-monthly or weekly*. Forms must be submitted by midnight on the 5th and 20th of each month, with the ability to increase to daily as determined by the SRD as landings approach the ACL.

2.2.2 Comparison of Alternatives

2.3 Action 3. Penalties for Failure to Report

2.3.1 Alternatives

Alternative 1 (No Action). Regardless of whether a purchase is made, purchase forms must be submitted for Gulf of Mexico Reef Fish and South Atlantic Snapper Grouper (excluding wreckfish). For the remaining species, a purchase form is required only if a purchase is made. During complete months encompassed by the wreckfish spawning season closure, a wreckfish dealer is not required to submit a report stating that no wreckfish were received.

No penalties exist for late or non-reporting.

Alternative 2. "No purchase forms" must be submitted at the same frequency, via the same process, and for the same species as specified for "purchased forms" in Actions 1 and 2. *If neither a "form" nor a "no purchase form" is submitted, NOAA Fisheries shall suspend the dealer permit until missing reports are submitted.*

Alternative 3. "No purchase forms" must be submitted at the same frequency, via the same process, and for the same species as specified for "purchased forms" in Actions 1 and 2. *If neither a purchase "form" nor a "no purchase form" is submitted, NOAA Fisheries shall refuse the renewal of the dealer permit for a one-year period.*

Alternative 4. "No purchase forms" must be submitted at the same frequency, via the same process, and for the same species as specified for "purchased forms" in Actions 1 and 2. *If neither a "form" nor a "no purchase form" is submitted, NOAA Fisheries shall repeal a dealer permit after the first reporting violation.*

2.3.2 Comparison of Alternatives

Chapter 3. Affected Environment

This section describes the affected environment in the proposed project area. The affected environment is divided into four major components:

- **Habitat environment** (Section 3.1)

  Examples include coral reefs and seagrass beds

- **Biological end ecological environment** (Section 3.2)

  Examples include populations of fish, corals, and turtles

- **Human environment** (Section 3.3)

  Examples include fishing communities and economic descriptions of the fisheries

- **Administrative environment** (Section 3.4)

  Examples include the fishery management process and enforcement activities

3.1 Habitat Environment

3.1.1 Inshore/Estuarine Habitat

To be completed

3.1.2 Offshore Habitat

3.1.3 Essential Fish Habitat

3.1.3.1 Habitat Areas of Particular Concern

3.2 Biological and Ecological Environment

The biological environment in the South Atlantic management area affected by actions in this amendment is defined by two components (**Figure 3-1**). Each component will be described in detail in the following sections.

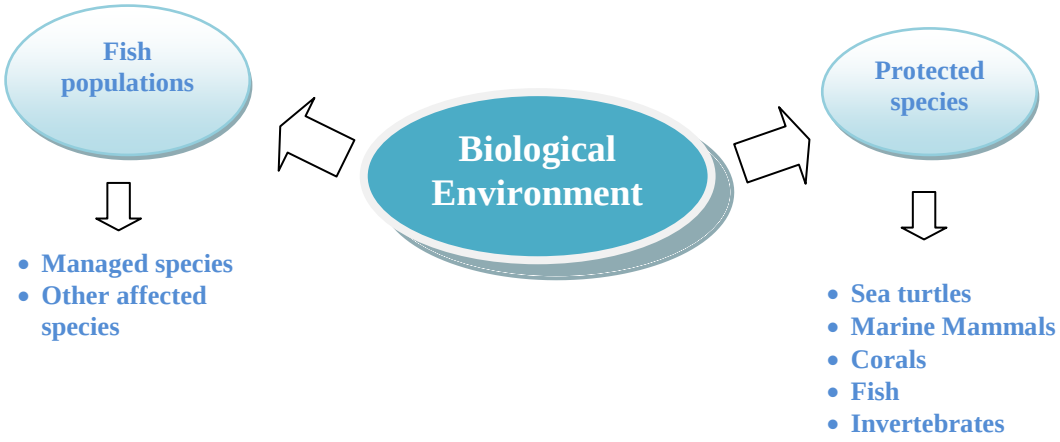

Figure 3-1. Two components of the biological environment described in this amendment.

3.2.1 Fish Populations

3.2.2 Protected Species

3.3 Human Environment

3.3.3 Social and Cultural Environment

3.4 Administrative Environment

3.4.1 The Fishery Management Process and Applicable Laws

3.4.1.1 Federal Fishery Management

To be completed: discussion of GMFMC's jurisdiction

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the U.S. Exclusive Economic Zone (EEZ), an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the U.S. EEZ.

Responsibility for Federal fishery management decision-making is divided between the U.S. Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for collecting and providing these data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act and with other applicable laws. In most cases, the Secretary has delegated this authority to NOAA Fisheries Service.

The South Atlantic Council is responsible for conservation and management of fishery resources in Federal waters of the U.S. South Atlantic. These waters extend from 3 to 200 miles offshore from the seaward boundary of the States of North Carolina, South Carolina, Georgia, and east Florida to Key West. The South Atlantic Council has thirteen voting members: one from NOAA Fisheries Service; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. On the South Atlantic Council, there are two public members from each of the four South Atlantic States. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard, State Department, and Atlantic States Marine Fisheries Commission (ASMFC). The South Atlantic Council has adopted procedures whereby the non-voting members serving on the Council Committees have full voting rights at the Committee level but not at the full Council level. South Atlantic Council members serve three-year terms and are recommended by State Governors and appointed by the Secretary of Commerce from lists of nominees submitted by State governors. Appointed members may serve a maximum of three consecutive terms.

Public interests also are involved in the fishery management process through participation on Advisory Panels and through council meetings, which, with few exceptions for

discussing personnel matters, are open to the public. The South Atlantic and Gulf Council use a Scientific and Statistical Committee to review the data and science being used in assessments and fishery management plans/amendments. In addition, the regulatory process is in accordance with the Administrative Procedures Act, in the form of "notice and comment" rulemaking.

3.4.1.2 State Fishery Management

NOAA Fisheries Service' State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the ASMFC to develop and implement cooperative State-Federal fisheries regulations.

The South Atlantic States are also involved through the ASMFC in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries. It has significant authority, through the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, to compel adoption of consistent state regulations to conserve coastal species. The ASFMC also is represented at the Council level, but does not have voting authority at the Council level.

The state governments of North Carolina, South Carolina, Georgia, and Florida have the authority to manage fisheries that occur in waters extending three nautical miles from their respective shorelines. North Carolina's marine fisheries are managed by the Marine Fisheries Division of the North Carolina Department of Environment and Natural Resources. The Marine Resources Division of the South Carolina Department of Natural Resources regulates South Carolina's marine fisheries. Georgia's marine fisheries are managed by the Coastal Resources Division of the Department of Natural Resources. The Marine Fisheries Division of the Florida Fish and Wildlife Conservation Commission is responsible for managing Florida's marine fisheries. Each state fishery management agency has a designated seat on the South Atlantic Council. The purpose of state representation at the Council level is to ensure state participation in Federal fishery management decision-making and to promote the development of compatible regulations in state and Federal waters.

In the Gulf of Mexico, state governments manage fisheries that occur in waters extending from three to 200 miles of the coasts of Louisiana, Mississippi, and Alabama, and nine to 200 miles off Texas and the west coast of Florida. Alabama marine fisheries are managed by the Alabama Department of Conservation and Marine Resources. Florida Fish and Wildlife Conservation Commission regulates Florida's marine fisheries. Louisiana fisheries are managed by the Louisiana Department of Wildlife and Fisheries. Mississippi fisheries are managed by the Mississippi Department of Marine Resources. Texas Parks and Wildlife manages Texas' fisheries. As with the South Atlantic Council, each state fishery management agency has a designated seat on the South Atlantic Council.

3.4.1.3 Enforcement

Both the National Oceanic and Atmospheric Administration (NOAA) Fisheries Office for Law Enforcement (NOAA/OLE) and the United States Coast Guard (USCG) have the authority and the responsibility to enforce South Atlantic

Council regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the States in the Southeast Region (North Carolina), which granted authority to State officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the States has increased through Joint Enforcement Agreements, whereby States conduct patrols that focus on Federal priorities and, in some circumstances, prosecute resultant violators through the State when a state violation has occurred.

NOAA General Counsel issued a revised Southeast Region Magnuson-Stevens Act Penalty Schedule in June 2003, which addresses all Magnuson-Stevens Act violations in the Southeast Region. In general, this Penalty Schedule increases the amount of civil administrative penalties that a violator may be subject to up to the current statutory maximum of $120,000 per violation. NOAA General Counsel requested public comment through December 20, 2010, on a new draft policy.

NOAA GC to verify if the paragraph above is up-to-date

Chapter 4. Environmental Effects

To be completed

4.1 Action 1. Dealer Permits Required

4.1.1 Biological Effects

4.1.2 Economic Effects

4.1.3 Social Effects

4.1.3.1 Environmental Justice Considerations

4.1.4 Administrative Effects

4.2 Action 2. Frequency and Method of Reporting

4.2.1 Biological Effects

4.2.2 Economic Effects

4.2.3 Social Effects

4.2.3.1 Environmental Justice Considerations

4.2.4 Administrative Effects

4.3 Action 3. Penalties for Failure to Report

4.3.1 Biological Effects

4.3.2 Economic Effects

4.3.3 Social Effects

4.3.3.1 Environmental Justice Considerations

4.3.4 Administrative Effects

Chapter 5. Reasoning for Councils' Choices for the Preferred Alternatives

To be completed. This section will summarize recommendations from advisory panels and the Scientific and Statistical Committees, while including reasoning for the choice of the preferred alternative by the councils.

5.1 Action 1. Dealer Permits Required

5.2 Action 2. Frequency and Method of Reporting

5.3 Action 3. Penalties for Failure to Report

Chapter 6. Cumulative Effects

6.1 Biological

6.2 Socioeconomic

Chapter 7. List of Preparers

Table 7-1. List of Generic Amendment interdisciplinary plan team members.

Name	Agency/Division	Area of Amendment Responsibility
Rich Malinowski	NMFS/SF	IPT Lead/Fishery Biologist
Rick DeVictor	NMFS/SF	IPT Lead/Fishery Biologist
Kate Michie	NMFS/SF	Fishery Biologist
Nicholas Farmer	NMFS/SF	Fishery Biologist
Jennifer Lee	NMFS/PR	Biologist
Stephen Holiman	NMFS/SF	Economist
Christina Package	NMFS/SF	Anthropologist
David Dale	NMFS/HC	EFH Specialist
Noah Silverman	NMFS	Natural Resource Management Specialist
Mara Levy	NOAA/GC	Attorney Advisor
Kelly Moran-Kalamas	NOAA/OLE	Criminal Investigator
Carolyn Sramek	NMFS	Supervisory Management and Program Analyst
Scott Sandorf	NMFS/SF	Technical WriterTechnical Writer
Anne Marie Eich	NMFS/SF	Economist
Brent Stoffle	NMFS/SEFSC	Chief, Fisheries Monitoring Branch
David Gloeckner	NMFS/SEFSC	Research Fish Biologist
Kenneth Brennan	NMFS/SEFSC	IPT Lead/Fishery Biologist
John Froeschke	GMFMC	Fishery Biologist-Statistician
Carrie Simmons	GMFMC	Fishery Biologist
Ava Lasseter	GMFMC	Anthropologist
Assane Diagne	GMFMC	Economist
Gregg Waugh	SAFMC	Deputy Executive Director

NMFS = National Marine Fisheries Service, SAFMC = South Atlantic Fishery Management Council, GMFMC=Gulf of Mexico Fishery Management Council, SEFSC=Southeast Fisheries Science Center, SF = Sustainable Fisheries Division, PR = Protected Resources Division, SERO = Southeast Regional Office, HC = Habitat Conservation Division, GC = General Counsel, Eco=Economics

Name	Agency/Division	Area of Amendment Responsibility
Anik Clemens	NMFS/SF	Technical Writer Editor
Mike Cahall	ACCSP	ACCSP Director
Jackie Wilson	NMFS/HMS	Fish Management Specialist
Delisse Ortiz	NMFS/HMS	Fish Management Specialist

NMFS = National Marine Fisheries Service, SAFMC = South Atlantic Fishery Management Council, SF = Sustainable Fisheries Division, PR = Protected Resources Division, SERO = Southeast Regional Office, HC = Habitat Conservation Division, GC = General Counsel, Eco=Economics

Chapter 8. List of Agencies, Organizations, and Persons To Whom Copies of the Environmental Assessment are Sent

Responsible Agency

Generic Amendment:
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
Charleston, South Carolina 29405
(843) 571-4366 (TEL)
Toll Free: 866-SAFMC-10
(843) 769-4520 (FAX)
safmc@safmc.net

NEPA Doc TBD:
NMFS, Southeast Region
263 13th Avenue South
St. Petersburg, Florida 33701
(727) 824-5301 (TEL)
(727) 824-5320 (FAX)

List of Agencies, Organizations, and Persons Consulted

SAFMC Law Enforcement Advisory Panel
SAFMC Snapper Grouper Advisory Panel
SAFMC Scientific and Statistical Committee
SAFMC Information and Education Advisory Panel
North Carolina Coastal Zone Management Program
South Carolina Coastal Zone Management Program
Georgia Coastal Zone Management Program
Alabama Coastal Zone Management Program
Florida Coastal Zone Management Program
Louisiana Coastal Zone Management Program
Mississippi Coastal Zone Management Program
Texas Coastal Zone Management Program
Alabama Department of Conservation and Natural Resources
Florida Fish and Wildlife Conservation Commission
Georgia Department of Natural Resources
Louisiana Department of Wildlife and Fisheries
Mississippi Department of Marine Resources
South Carolina Department of Natural Resources
North Carolina Division of Marine Fisheries
Texas Department of Wildlife and Fisheries
North Carolina Sea Grant
South Carolina Sea Grant
Georgia Sea Grant
Florida Sea Grant
Louisiana Sea Grant
Mississippi-Alabama Sea Grant
Texas Sea Grant
Atlantic States Marine Fisheries Commission
Gulf and South Atlantic Fisheries Development Foundation
Gulf of Mexico Fishery Management Council

National Marine Fisheries Service

- Washington Office
- Office of Ecology and Conservation
- Southeast Regional Office
- Southeast Fisheries Science Center

Chapter 9. References