

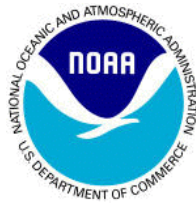


# Regulatory Amendment 16

to the Fishery Management Plan for the  
Snapper Grouper Fishery of the South Atlantic Region

## DECISION DOCUMENT

**SEPTEMBER 2013**



# Background

At their June 2013 meeting, the Council reviewed draft Regulatory Amendment 16, which contained an action to implement management measures to lengthen the golden tilefish commercial season and diminish derby conditions. After receiving input from golden tilefish longline endorsement holders, however, the Council voted to stop development of Regulatory Amendment 16.

The Council approved the following within the Timing and Task Motion for the Snapper Grouper FMP: PREPARE A DRAFT REGULATORY AMENDMENT TO REMOVE THE BLACK SEA BASS POT CLOSURE (IF REGULATORY AMENDMENT 19 IS APPROVED AND IMPLEMENTED). BRING THE DRAFT DOCUMENT TO THE COUNCIL IN SEPTEMBER 2013. Hence, Regulatory Amendment 16 will now contain an action to analyze the impacts of removing the black sea bass pot closure proposed in Regulatory Amendment 19. The latter would increase the black sea bass ACL according to the latest stock assessment and prohibit the use of black sea bass pots annually from November 1 through April 30, which corresponds to the large whale migration and the right whale calving season in the South Atlantic. The prohibition would be a precautionary measure to prevent interactions between black sea bass pot gear and ESA-listed whales. The proposed rule for Regulatory Amendment 19 published in the Federal Register on July 2, 2013 (78 FR 39700). The comment period ended on August 1, 2013.

Amendment 18A, implemented in July 2012, established a black sea bass pot endorsement program that capped the number of vessels utilizing pot gear at 32. In addition, the amendment implemented the following requirements that reduced the potential for interactions with protected species:

- Limit of 35 pots per vessel
- Pots must be brought back to shore after each trip
- Commercial trip limit of 1,000 lbs gw
- Increased commercial size limit from 10 inches (") total length (TL) to 11" TL
- Increased recreational size limit from 12" to 13" TL

# Draft Purpose and Need

The *purpose* of Regulatory Amendment 16 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region is to remove the annual November 1 to April 30 prohibition on the use of black sea bass pot gear.

The *need* for the amendment is to minimize socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for ESA-listed whales in the South Atlantic region.

**COMMITTEE ACTION:** Review, modify as necessary, and approve the draft Purpose and Need statements.

# Proposed Actions and Alternatives

## **Action 1: Modify the annual November 1 to April 30 prohibition on the use of black sea bass pot gear.**

**Alternative 1 (No Action).** Retention, possession, and fishing for black sea bass is prohibited using black sea bass pot gear, annually, from November 1 through April 30.

**Alternative 2.** Remove the annual November 1 to April 30 prohibition on the retention, possession, and fishing for black sea bass using black sea bass pot gear.

**Alternative 3.** Prohibit retention, possession, and fishing for black sea bass using black sea bass pot gear, annually, from November 15 through April 15.

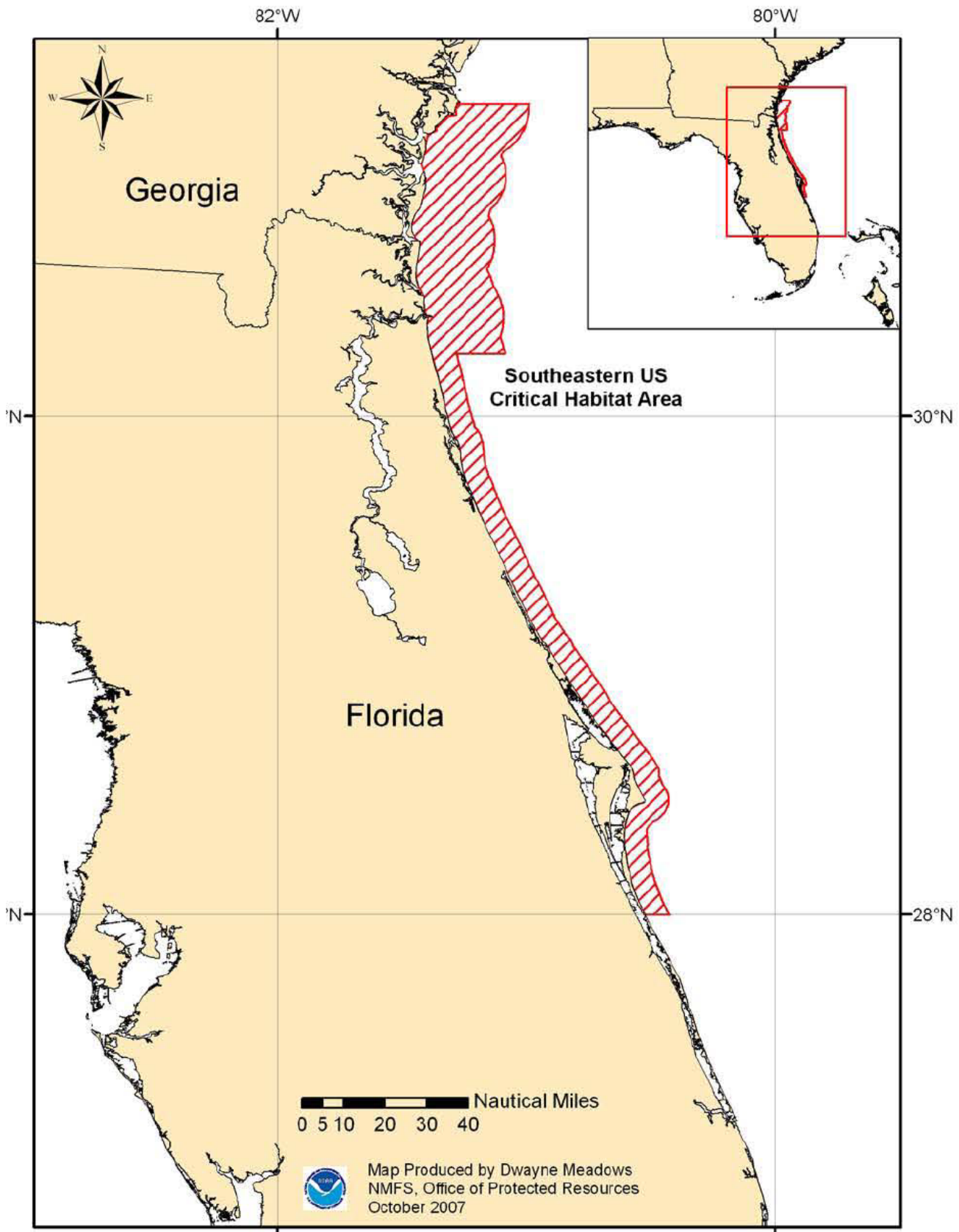
**Alternative 4.** Prohibit retention, possession, and fishing for black sea bass using black sea bass pot gear, annually, from November 1 to April 30, in designated right whale critical habitat in the South Atlantic region.

**Others???**

### **COMMITTEE ACTION:**

- Review the range of alternatives, modify as necessary, and approve.
- Provide guidance on timing.

# Northern Right Whale Critical Habitat: Southeast Atlantic



# SOUTHERN NEARSHORE TRAP/POT WATERS

Southern Nearshore Trap/Pot Waters includes all state and Federal waters which fall within EEZ Nearshore Management Area 4, EEZ Nearshore Management Area 5, and EEZ Nearshore Management Area 6 (as defined in the American Lobster Fishery regulations in 50 CFR 697.18), and inside the 100fa contour line from 35°30' N. lat. south to 27°51' N. lat. and extending inshore to the shoreline or exemption line, with the exception of the exempted waters as described on page 66.

## **November 15-April 15 (between 29° N. lat and 32° N. lat):**

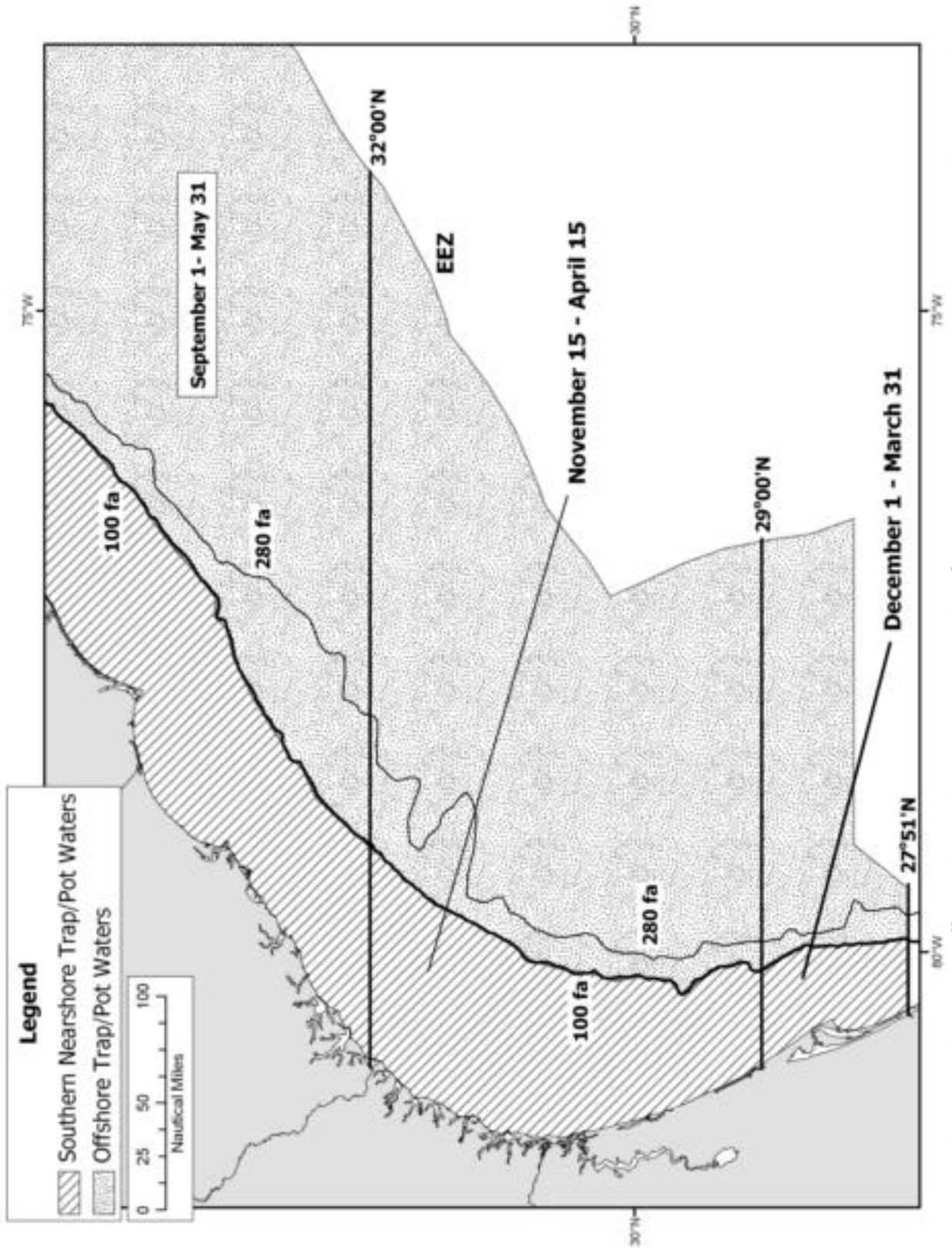
- Compliance with the **Universal Requirements:**
  - » No buoy line floating at the surface.
  - » No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
  - » Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
- Compliance with **Gear Marking Requirements:**
  - » Trap/pot surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
    - When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
  - » Buoy lines to be marked with one 4-inch (10.2 cm), **ORANGE**, mark midway along the buoy line.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb\*;and
- All groundlines must be made of sinking line.

## **December 1-March 31 (between 29°N. lat and 27° 51' N. lat):**

- Compliance with the **Universal and Gear Marking Requirements** (see above).
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb\*;
- All groundlines must be made of sinking line.

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- \* Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing.
  - \* Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

# SOUTHEAST REGION: SOUTHERN NEARSHORE TRAP/POT WATERS\*



\* Nautical charts could not be effectively applied to the expansive Southeast Atlantic region shown here. Thus, nautical charts are not displayed for this region.

# OFFSHORE TRAP/POT WATERS

Offshore Trap/Pot Waters includes all Federal waters of the EEZ Offshore Management Area 3 (including the areas known as the Area 2/3 overlap and 3/5 Overlap, as defined in the American Lobster Fishery regulations found at 50 CFR 697.18), with the exception of the Great South Channel Restricted Trap/Pot Area, and extending south along the 100fa contour line from 35°30' N. lat. south to 27°51' N. lat., and east to the eastern edge of the EEZ.

## **November 15-April 15 (between 29° N. lat and 32° N. lat):**

- Compliance with the **Universal Requirements:**
  - » No buoy line floating at the surface.
  - » No wet storage of gear (all gear must be hauled out of the water at least once every 30 days)
  - » Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
- Compliance with **Gear Marking Requirements:**
  - » Trap/pot surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
    - When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
  - » Buoy lines to be marked with one 4-inch (10.2 cm), **BLACK**, mark midway along the buoy line.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 1,500 lb\*;
  - » For the red crab trap/pot fishery, weak links with a maximum breaking strength of 2,000 lb\* are required;
- All groundlines must be made of sinking line.

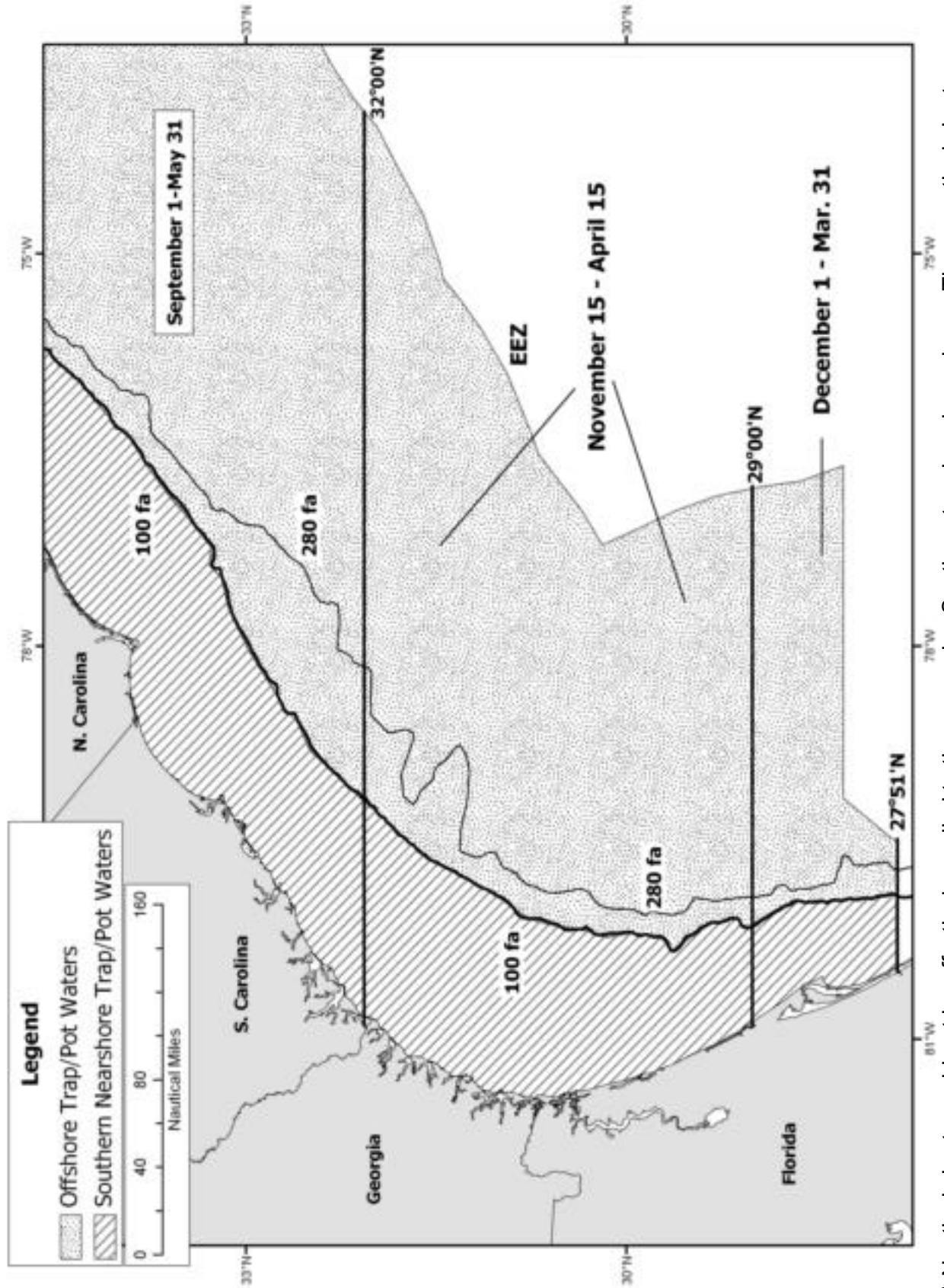
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# SOUTHEAST REGION: OFFSHORE TRAP/POT WATERS



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