

Amendment 46

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

Establish a private recreational permit and education component



**Environmental Assessment, Initial Regulatory Flexibility Act Analysis, and
Regulatory Impact Review**

August 2023 DRAFT

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Award Number FNA15NMF4410010

Amendment 46 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Proposed action(s):

Establish a permit and education requirement for the private recreational component of the snapper grouper fishery.

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This environmental assessment (EA) is being prepared using the 2020 CEQ NEPA Regulations as modified by the Phase I 2022 revisions. The effective date of the 2022 revisions was May 20, 2022, and reviews begun after this date are required to apply the 2020 regulations as modified by the Phase I revisions unless there is a clear and fundamental conflict with an applicable statute. This EA began on XXXXX, 2024, and accordingly proceeds under the 2020 regulations as modified by the Phase I revisions.

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Summary

Why is the South Atlantic Fishery Management Council considering action?

To improve estimates of catch and effort from the private recreational sector, the Council is considering a permit and education requirements for snapper grouper species. The Marine Recreational Information Program (MRIP) survey used to estimate catch by private recreational fishermen may not always provide accurate and reliable information for many Council managed species due to sampling limitations, especially for those species with low catches, low annual catch limits (ACLs), or for species that are rarely encountered by fishery participants.

What Actions are Being Proposed in This Amendment?

The actions in Amendment 46 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) would establish a permit and educational requirements for the private recreational component of the snapper grouper fishery.

Chapter 1. Introduction

1.1. What Actions are Being Proposed?

The actions in Amendment 46 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) would establish a permit and educational requirements for the private recreational component of the snapper grouper fishery.

1.2. Who is Proposing the Actions?

The South Atlantic Fishery Management Council (Council) is responsible for managing snapper grouper species in the South Atlantic region. The Council develops the amendment and submits it to the National Marine Fisheries Service (NMFS) who determines whether to approve the amendment and publish a rule to implement the amendment on behalf of the Secretary of Commerce. NMFS is an agency of the National Oceanic and Atmospheric Administration within the Department of Commerce. Guided by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council works with NMFS and other partners to sustainably manage fishery resources in the South Atlantic.

The Council and NMFS are also responsible for making this document available for public comment. The draft environmental assessment (EA) was made available to the public during the scoping process, public hearings, and Council meetings. The EA/amendment will be made available for comment during the rulemaking process.

South Atlantic Fishery Management Council

- Responsible for conservation and management of fish stocks in the South Atlantic Region.
- Consists of 13 voting members and 4 non-voting members; voting members include 1 representative from each of the 4 South Atlantic state fishery management agencies, 8 members appointed by the Secretary of Commerce, and the Southeast Regional Administrator of NMFS.
- Responsible for developing fishery management plans and amendments under the Magnuson-Stevens Act; recommends actions to NMFS for implementation.
- Management area is from 3 to 200 nautical miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida through Key West, except for mackerel which is from New York to Florida, and dolphin and wahoo, which is from Maine to Florida.

1.3. Where is the Project Located?

Management of the federal snapper grouper fishery located off the South Atlantic in the 3-200 nautical miles U.S. exclusive economic zone is conducted under the Snapper Grouper FMP (SAFMC 1983) (Figure 1.3.1). There are fifty-five species managed by the Council under the Snapper Grouper FMP.

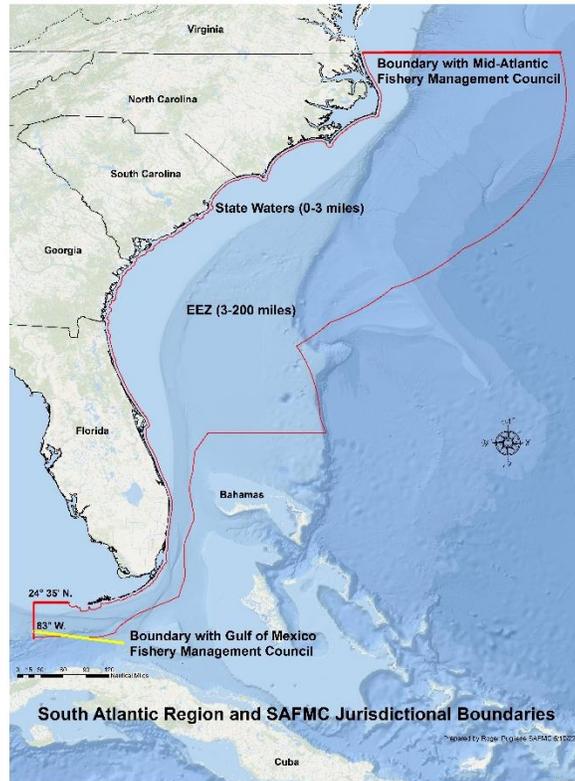


Figure 1.3.1. Jurisdictional boundaries of the Snapper Grouper FMP as managed by the Council.

1.4. Why are the Council and NMFS Considering Action? (Purpose and Need)

Purpose: The *purpose* is to develop a recreational permitting system that will better identify the universe of private anglers or vessels targeting South Atlantic snapper grouper species and will enhance the ability to collect recreational effort and catch data. Also work to promote best recreational fishing practices through education.

Need: The *need* for this amendment is to improve the quality of effort and catch data for the private component of the recreational sector that targets South Atlantic snapper grouper species, while minimizing, to the extent practicable, adverse social and economic effects. Also improve education on best fishing practices.

Background

To improve estimates of catch and effort from the private recreational sector, the Council is considering a permit and education requirements for snapper grouper species, including red snapper. The Marine Recreational Information Program (MRIP) survey used to estimate catch by private recreational fishermen may not always provide accurate and reliable information for many Council managed species due to sampling limitations, especially for those species with low catches, low annual catch limits (ACLs), or for species that are rarely encountered by fishery participants.

1.5. How are recreational data collected in the South Atlantic?

The Marine Recreational Fisheries Statistics Survey (MRFSS) was created in 1979 by NMFS. The program included the Access Point Angler Intercept Survey (APAIS), which consists of onsite interviews at marinas and other points where recreational anglers fish, to determine catch. MRFSS also included CHTS, which used random digit dialing of homes in coastal counties to contact anglers to determine fishing effort. In 2000, the For-Hire Survey (FHS) was implemented to incorporate for-hire effort due to lack of coverage of charter boat anglers by the CHTS. The FHS used a directory of all known charter boats and a weekly telephone sample of the charter boat operators to obtain effort information.

MRIP replaced MRFSS in 2013 to meet increasing demand for more precise, accurate, and timely recreational catch estimates. MRIP is a more scientifically sound methodology for estimating catch because it reduces some sources of potential bias as compared to MRFSS resulting in more accurate catch estimates. Specifically, CHTS was improved to better estimate private angling effort. Instead of random telephone calls, MRIP-CHTS used targeted calls to anglers registered with a federal or state saltwater fishing registry. The MRIP also incorporated a new survey design for APAIS in 2013. This new design addressed concerns regarding the validity of the survey approach, specifically that trips recorded during a given time period are representative of trips for a full day (Foster et al. 2018). The more complete temporal coverage with the new survey design provides for consistent increases or decreases in APAIS angler catch rate statistics, which are used in stock assessments and management, for at least some species (NMFS 2021).

MRIP also transitioned from the legacy CHTS to a new mail survey (FES) beginning in 2015, and in 2018, the FES replaced the CHTS. Both survey methods collect data needed to estimate marine recreational fishing effort (number of fishing trips) by shore and private/rental boat anglers on the Atlantic and Gulf of Mexico coasts. The new mail-based FES uses angler license and registration information as one way to identify and contact anglers (supplemented with data from the U.S. Postal Service, which includes virtually all U.S. households). Because the FES and CHTS are so different, NMFS conducted side-by-side testing of the two methods from 2015 to 2018 and developed calibration procedures to convert the historical catch estimates (MRFSS, MRIP-CHTS, MRIP-APAIS [collectively MRFSS]) into MRIP-FES. In general, landings estimates are higher using the MRIP-FES as compared to the MRFSS estimates. This is because the FES is designed to more accurately measure fishing activity than the CHTS, not because there was a sudden rise in fishing effort. NMFS developed a calibration model to adjust historic effort estimates so that they can be accurately compared to new estimates from the FES. The new effort estimates alone do not lead to definitive conclusions about stock size or status in the past or at current. NMFS determined that the MRIP-FES data, when fully calibrated to ensure comparability among years and across states, produced the best available data for use in stock assessments and management (NMFS 2021).

1.6. What is the Management History for the snapper grouper fishery?

Snapper grouper regulations in the South Atlantic were first implemented in 1983. The reader is referred to the following link for the management history, summary of changes under each amendment, implementation dates, an up-to-date list of amendments under development and more, for all of the species in the Snapper Grouper FMP: <https://safmc.net/fishery-management-plans/snapper-grouper/>.

Chapter 2. Proposed Actions

2.1. Action 1. Establish a private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region

2.1.1. Alternatives

Alternative 1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. Require a federal permit for **all vessels** participating in the private recreational component of the snapper grouper fishery in the South Atlantic exclusive economic zone.

Alternative 3. Require a federal permit for **all private anglers** participating in the private recreational component of the snapper grouper fishery in the South Atlantic exclusive economic zone.

Discussion

Text.

2.1.2. Comparison of Alternatives

Text.

2.2. Action 2. Specify the species that would be covered by a private recreational snapper grouper permit

2.2.1. Alternatives

Alternative 1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing **any species** in the snapper grouper fishery management unit.

Alternative 3. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing **any assessed species** in the snapper grouper fishery management unit for which recreational harvest is allowed.

Alternative 4. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species that is **covered by the Florida State Reef Fish Survey**.

Alternative 5. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species in the **deepwater complex**.

Alternative 6. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species with a **size or bag limit**.

Discussion

Text

2.2.2. Comparison of Alternatives

Text.

2.3. Action 3. Specify the effective term of a private recreational snapper grouper permit

2.3.1. Alternatives

Alternative 1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. A federal private recreational snapper grouper permit would remain valid for the calendar year in which it was issued.

Alternative 3. A federal private recreational snapper grouper permit would remain valid for one year from issuance.

Alternative 4. A federal private recreational snapper grouper permit would expire on the date of birth for the permit holder.

Discussion

Text

2.3.2. Comparison of Alternatives

Text.

2.4. Action 4. Establish mechanism that would allow a state to opt out of a federal private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region

2.4.1. Alternatives

Alternative 1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. A state could opt out of a federal private recreational snapper grouper permit requirement provided that the state implements equivalent measures that at a minimum includes the following:

Sub-alternative 2a. The same entities from the federal permit requirement.

Sub-alternative 2b. The same snapper grouper species from the federal permit requirement.

Sub-alternative 2c. The state permit would remain valid for the same period of time as the federal permit requirement.

Discussion

Text

2.4.2. Comparison of Alternatives

Text.

2.5. Action 5. Establish an education component in the private recreational portion of the snapper grouper fishery

2.5.1. Alternatives

Alternative 1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. Establish an education component requirement, in conjunction with a private recreational snapper grouper permit, for private recreational anglers who fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Discussion

Text

2.5.2. Comparison of Alternatives

Text.

2.6. Action 6. Specify whether an education component in the private recreational portion of the snapper grouper fishery would be mandatory or voluntary

2.6.1. Alternatives

Alternative 1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. An education component would be **mandatory** for all private recreational permit holders to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 3. An education component would be **voluntary** for all private recreational permit holders to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Discussion

Text

2.6.2. Comparison of Alternatives

Text.

2.7. Action 7. Specify the timing of implementation for an education component in the private recreational portion of the snapper grouper fishery

2.7.1. Alternatives

Alternative 1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. An education component would be **implemented immediately** when a private recreational permit is established.

Alternative 3. An education component would be **delayed until a later date** after a private recreational permit has been established. (Note: Council would need to specify length of delay).

Discussion

Text

2.7.2. Comparison of Alternatives

Text.

2.8. Action 8. Specify the timing of education component requirements for the private recreational portion of the snapper grouper fishery in the South Atlantic region

2.8.1. Alternatives

Alternative 1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Alternative 2. An education component would need to be completed each calendar year.

Alternative 3. An education component would need to be completed upon each issuance of a federal private recreational permit.

Alternative 4. An education component would need to be completed every other year upon issuance of a federal private recreational permit.

Alternative 5. An education component would need to be completed upon initial issuance of a federal private recreational permit.

Discussion

Text

2.8.2. Comparison of Alternatives

Text.

Chapter 3. Affected Environment

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

- **Habitat Environment** (Section 3.1)
- **Biological and Ecological Environment** (Section 3.2)
- **Economic Environment** (Sections 3.3)
- **Social Environment** (Section 3.4)
- **Environmental Justice** (Section 3.5)
- **Administrative Environment** (Section 3.6)

3.1. Habitat Environment

Information on the habitat utilized by species managed under the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) is included in Volume II of the Fishery Ecosystem Plan (FEP; SAFMC 2009c) which is incorporated here by reference. South Atlantic Fishery Management Council (Council)-designated essential fish habitat (EFH) and EFH-Habitat Areas of Particular Concern (HAPC) are described in the [SAFMC User Guide](#) and spatial representations of these and other habitat-related layers are in within the Council's [SAFMC Atlas](#).

3.1.1. Essential Fish Habitat

EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity” (16 U.S. C. 1802(10)). Under the Magnuson-Stevens Act, FMPs are required to describe and identify EFH and to minimize the adverse effects of fishing on such habitat to the extent practicable. An EFH-HAPC designation adds an additional layer to the EFH designation. Under the Snapper Grouper FMP, EFH-HAPCs are designated based upon ecological importance, susceptibility to human-induced environmental degradation, susceptibility to stress from development, or rarity of habitat type. EFH for species managed under the Snapper Grouper FMP includes coral reefs, live/hard bottom, submerged aquatic vegetation, artificial reefs and medium to high profile outcroppings on and around the shelf break zone from shore to at least 600 ft (but to at least 2000 ft for wreckfish) where the annual water temperature range is sufficiently warm to maintain adult populations of members of this largely tropical complex. EFH includes the spawning area in the water column above the adult habitat and the additional pelagic environment, including *Sargassum*, required for larval survival and growth up to and including settlement. In

addition, the Gulf Stream is an EFH because it provides a mechanism to disperse snapper grouper larvae.

For specific life stages of estuarine dependent and nearshore snapper grouper species, EFH includes areas inshore of the 100-foot contour, such as attached macroalgae; submerged rooted vascular plants (seagrasses); estuarine emergent vegetated wetlands (saltmarshes, brackish marsh); tidal creeks; estuarine scrub/shrub (mangrove fringe); oyster reefs and shell banks; unconsolidated bottom (soft sediments); artificial reefs; and coral reefs and live/hard bottom.

3.1.2. Habitat Areas of Particular Concern

EFH-Habitat Areas of Particular Concern (EFH-HAPC) for species managed under the Snapper Grouper FMP include medium to high profile offshore hard bottoms where spawning normally occurs; localities of known or likely periodic spawning aggregations; nearshore hard bottom areas; The Point, The Ten Fathom Ledge, and Big Rock (North Carolina); The Charleston Bump (South Carolina); mangrove habitat; seagrass habitat; oyster/shell habitat; all coastal inlets; all state-designated nursery habitats of particular importance to snapper grouper (e.g., Primary and Secondary Nursery Areas designated in North Carolina); pelagic and benthic Sargassum; Hoyt Hills for wreckfish; the Oculina Bank HAPC; all hermatypic coral habitats and reefs; manganese outcroppings on the Blake Plateau; and Council-designated Artificial Reef Special Management Zones (SMZ); and areas that meet the criteria for EFH-HAPCs include habitats required during each life stage (including egg, larval, post-larval, juvenile, and adult stages).

EFH-HAPCs for golden tilefish includes irregular bottom comprised of troughs and terraces inter-mingled with sand, mud, or shell hash bottom. Mud-clay bottoms in depths of 150-300 m are HAPC. Golden tilefish are generally found in 80-540 m, but most commonly found in 200 m depths.

EFH-HAPC for blueline tilefish includes irregular bottom habitats along the shelf edge in 45-65 m depth; shelf break; or upper slope along the 100-fathom contour (150-225 m); hard bottom habitats characterized as rock overhangs, rock outcrops, manganese-phosphorite rock slab formations, or rocky reefs in the South Atlantic Bight; and the Georgetown Hole (Charleston Lumps) off Georgetown, South Carolina.

EFH-HAPCs for the snapper grouper complex include the following deep-water marine protected areas (MPA) as designated in Amendment 14 to the Snapper Grouper FMP: Snowy Grouper Wreck MPA, Northern South Carolina MPA, Edisto MPA, Charleston Deep Artificial Reef MPA, Georgia MPA, North Florida MPA, St. Lucie Hump MPA, and East Hump MPA.

The Council established the SMZ designation process in 1983 in the Snapper Grouper FMP, and SMZs have been designated in federal waters off North Carolina, South Carolina, Georgia, and Florida since that time. The purpose of the original SMZ designation process, and the subsequent specification of SMZs, was to protect snapper grouper populations at the relatively small, permitted artificial reef sites and “create fishing opportunities that would not otherwise exist.” Thus, the SMZ designation process was centered on protecting the relatively small habitats, which are known to attract desirable snapper grouper species.

In the Comprehensive Ecosystem-Based Amendment 1 (CE-BA 1; SAFMC 2010a), the Council determined that SMZs met the criteria to be EFH-HAPCs for species included in the Snapper Grouper FMP. Since CE-BA 1, the Council has designated additional SMZs in the Snapper Grouper FMP including Spawning SMZs (SAFMC 2016b). The SMZ and EFH-HAPC designations serve similar purposes in pursuit of identifying and protecting valuable and unique habitat for the benefit of fish populations, which are important to both fish and fishers. Therefore, the Council determined that a designated SMZ meets the criteria for an EFH-HAPC designation, and the Council intends that all SMZs designated under the Snapper Grouper FMP also be designated as EFH-HAPCs under the Snapper Grouper FMP.

3.2. Biological and Ecological Environment

Details regarding the biological and ecological environment for the species in the Snapper Grouper FMU are found in the Comprehensive Annual Catch Limit (ACL) Amendment (SAFMC 2011) and amendments to the Snapper Grouper FMP since then, and are incorporated by reference, herein.

In summary, the waters off the South Atlantic coast are home to a diverse population of fish. The Snapper Grouper FMU contains 55 species of fish, many of them neither “snappers” nor “groupers.” These species live in depths from a few feet (typically as juveniles) to hundreds of feet. As far as north/south distribution, the more temperate species tend to live in the upper reaches of the South Atlantic management area (e.g., black sea bass, red porgy) while the tropical variety’s core residence is in the waters off south Florida, Caribbean Islands, and northern South America (e.g., black grouper, mutton snapper). These are reef-dwelling species that live amongst each other. These species rely on the reef environment for protection and food. There are several reef tracts that follow the southeastern coast. The fact that these fish populations congregate dictates the nature of the fishery (multi-species) and further forms the type of management regulations proposed in this amendment.

Additional information regarding life-history of the species in the Snapper Grouper FMU can be found in the amendments mentioned above and in Volume II of the FEP.

3.2.1. Stock Status

Southeast Data, Assessment, and Review (SEDAR) process is a cooperative Fishery Management Council initiative to improve the quality and reliability of fishery stock assessments in the South Atlantic, Gulf of Mexico, and U.S. Caribbean. SEDAR seeks improvements in the scientific quality of stock assessments, constituent and stakeholder participation in assessment development, transparency in the assessment process, and a rigorous and independent scientific review of completed stock assessments.



SEDAR is organized around three public workshops. First is the Data Workshop, during which fisheries monitoring and life history data are reviewed and compiled. Second is the Assessment Workshop, which may be conducted via a workshop and several webinars, during which

assessment models are developed and population parameters are estimated using the information provided from the Data Workshop. Third and final is the Review Workshop, during which independent experts review the input data, assessment methods, and assessment products. The completed assessment, including the reports of all three workshops and all supporting documentation, are then forwarded to the Council's Scientific and Statistical Committee (SSC). The SSC considers whether the assessment is useful for management and develops fishing level recommendations for Council consideration.

Detailed information on species in the Snapper Grouper FMU assessed by the SEDAR process can be found at <http://sedarweb.org/>, and is hereby incorporated by reference. The Report to Congress on the Status of U.S. Stocks indicates dolphin is not overfished, and is not undergoing overfishing; while the overfishing and overfished status of wahoo and golden crab is unknown.¹

3.2.2. Protected Species

NMFS manages marine protected species in the Southeast region under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). There are 29 ESA-listed species or Distinct Population Segments (DPS) of marine mammals, sea turtles, fish, and corals managed by NMFS that may occur in federal waters of the South Atlantic or Gulf of Mexico. There are 91 stocks of marine mammals managed within the Southeast region plus the addition of the stocks such as North Atlantic right whales (NARW), and humpback, sei, fin, minke, and blue whales that regularly or sometimes occur in Southeast region managed waters for a portion of the year (Hayes et al. 2017). All marine mammals in U.S. waters are protected under the MMPA. The MMPA requires that each commercial fishery be classified by the number of marine mammals they seriously injure or kill. NMFS's List of Fisheries classifies U.S. commercial fisheries into three categories based on the number of incidental mortality or serious injury they cause to marine mammals.

Five of the marine mammal species (sperm, sei, fin, blue, and NARW) protected by the MMPA, are also listed as endangered under the ESA. In addition to those five marine mammals, six species or DPSs of sea turtles [green (the North Atlantic DPS and the South Atlantic DPS), hawksbill, Kemp's ridley, leatherback, and the Northwest Atlantic DPS of loggerhead]; nine species or DPSs of fish (the smalltooth sawfish; five DPSs of Atlantic sturgeon; Nassau grouper; oceanic whitetip shark, and giant manta ray); and seven species of coral (elkhorn coral, staghorn coral, rough cactus coral, pillar coral, lobed star coral, mountainous star coral, and boulder coral) are also protected under the ESA and occur within the action area of the snapper grouper fishery. Portions of designated critical habitat for NARW, the Northwest Atlantic DPS of loggerhead sea turtles, and *Acropora* corals occur within the Council's jurisdiction.

NMFS completed a formal consultation and resulting biological opinion (Bi-Op) on the conservation regulations under the ESA and the authorization of the South Atlantic snapper grouper fishery in federal waters under the Magnuson-Stevens Act, including the fishery managed by the FMP, on threatened and endangered species and designated critical habitat dated

¹ <https://media.fisheries.noaa.gov/2022-04/Q1%202022%20FSSI%20and%20non%20FSSI%20Stock%20Status%20Tables.pdf>

December 1, 2016. NMFS concluded that the activities addressed in the consultation are not likely to jeopardize the continued existence of any threatened or endangered species.

Since completing the December 2016 Bi-Op, NMFS published several final rules that listed additional species and designated critical habitat. NMFS has reinitiated formal consultation to address these listings and concluded the authorization of the South Atlantic snapper grouper fishery in federal waters during the re-initiation period will not violate ESA Sections 7(a)(2) or 7(d). For summary information on the protected species that may be adversely affected by the snapper grouper fishery and how they are affected refer to Section 3.2.5 in Vision Blueprint Regulatory Amendment 27 to the FMP (SAFMC 2019).

3.3. Economic Environment

Text.

3.3.1. Recreational Sector

Text.

3.4. Social Environment

Text.

3.4.1. Recreational Sector

Text.

3.5. Environmental Justice Considerations

Text.

3.6. Administrative Environment

3.6.1. Federal Fishery Management

Federal fishery management is conducted under the authority of the 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 EEZ, an area extending 200 nm 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 the 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 NMFS.

The 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 mi offshore from the seaward boundary of North Carolina, South Carolina, Georgia, and east Florida to Key West. The Council has thirteen voting members: one from NMFS; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. The eight appointed members are comprised of 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 (USCG), State Department, and Atlantic States Marine Fisheries Commission (ASMFC). The 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. The Council also established two voting seats for the Mid-Atlantic Council on the South Atlantic Mackerel Committee. Council members serve three-year terms and are recommended by state governors and appointed by the Secretary 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 and legal matters, are open to the public. The Council uses its Scientific and Statistical Committee (SSC) 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 Procedure Act, in the form of “notice and comment” rulemaking.

3.6.2. State Fishery Management

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 Environmental Quality. The Marine Resources Division of the South Carolina Department of Natural Resources manages South Carolina’s marine fisheries. Georgia’s marine fisheries are managed by the Coastal Resources Division of the Department of Natural Resources. The Division of Marine Fisheries Management 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.

The South Atlantic states are also involved through 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 complementary state regulations to conserve coastal species. The ASFMC is also represented at the Council but does not have voting authority at the Council level.

NMFS's 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.

3.6.3. Enforcement

Both the NMFS Office for Law Enforcement (NOAA/OLE) and the USCG have the authority and the responsibility to enforce 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.

The NOAA Office of General Counsel Penalty Policy and Penalty Schedule is available online at <https://www.gc.noaa.gov/gces/2019/SE-SSS-Final-6-27-19.pdf/>.

Chapter 4. Environmental Effects and Comparison of Alternatives

4.1. Action 1. Establish a private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region

4.1.1. Biological Effects

Text.

4.1.2. Economic Effects

Text.

4.1.3. Social Effects

Text.

4.1.4. Administrative Effects

Text.

Alternatives

1. (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.
2. Require a federal permit for all vessels participating in the private recreational component of the snapper grouper fishery in the South Atlantic exclusive economic zone.
3. Require a federal permit for all private anglers participating in the private recreational component of the snapper grouper fishery in the South Atlantic exclusive economic zone.

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.2. Action 2. Specify the species that would be covered by a private recreational snapper grouper permit

4.2.1. Biological Effects

Text.

4.2.2. Economic Effects

Text.

4.2.3. Social Effects

Text.

4.2.4. Administrative Effects

Text.

Alternatives

1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

2. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species in the snapper grouper fishery management unit.

3. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any assessed species in the snapper grouper fishery management unit for which recreational harvest is allowed.

4. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species that is covered by the Florida State Reef Fish Survey.

5. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species in the deepwater complex.

6. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species with a size or bag limit.

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.3. Action 3. Specify the effective term of a private recreational snapper grouper permit

4.3.1. Biological Effects

Text.

4.3.2. Economic Effects

Text.

4.3.3. Social Effects

Text.

4.3.4. Administrative Effects

Text.

Alternatives

1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

2. A federal private recreational snapper grouper permit would remain valid for the calendar year in which It was issued.

3. A federal private recreational snapper grouper permit would remain valid for one year from issuance.

4. A federal private recreational snapper grouper permit would expire on the date of birth for the permit holder.

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.4. Action 4. Establish a mechanism that would allow a state to opt out of a federal private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region

4.4.1. Biological Effects

Text.

4.4.2. Economic Effects

Text.

4.4.3. Social Effects

Text.

4.4.4. Administrative Effects

Text.

Alternatives

1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

2. A state could opt out of a federal private recreational snapper grouper permit requirement provided that the state implements equivalent measures that at a minimum includes the following:

2a. The same entities from the federal permit requirement.

2b. The same snapper grouper species from the federal permit requirement.

2c. The state permit would remain valid for the same period of time as the federal permit requirement.

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.5. Action 5. Establish an education component for the private recreational portion of the snapper grouper fishery

4.5.1. Biological Effects

Text.

4.5.2. Economic Effects

Text.

4.5.3. Social Effects

Text.

4.5.4. Administrative Effects

Text.

Alternatives

1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

2. Establish an education component requirement, in conjunction with a private recreational snapper grouper permit, for private recreational anglers who fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.6. Action 6. Specify whether an education component in the private recreational portion of the snapper grouper fishery would be mandatory or voluntary

4.6.1. Biological Effects

Text.

4.6.2. Economic Effects

Text.

4.6.3. Social Effects

Text.

4.6.4. Administrative Effects

Text.

Alternatives

1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

2. An education component would be mandatory for all private recreational permit holders to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

3. An education component would be voluntary for all private recreational permit holders to fish for, harvest, or possess snapper grouper species in the South

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.7. Action 7. Specify the timing of implementation for an education component in the private recreational portion of the snapper grouper fishery

4.7.1. Biological Effects

Text.

4.7.2. Economic Effects

Text.

4.7.3. Social Effects

Text.

4.7.4. Administrative Effects

Text.

Alternatives

1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

2. An education component would be implemented immediately when a private recreational permit is established.

3. An education component would be delayed until a later date after a private recreational permit has been established. (Note: Council would need to specify length of delay).

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

4.8. Action 8. Specify the timing of education component requirements for the private recreational portion of the snapper grouper fishery in the South Atlantic region

4.8.1. Biological Effects

Text.

4.8.2. Economic Effects

Text.

4.8.3. Social Effects

Text.

4.8.4. Administrative Effects

Text.

Alternatives

1 (No Action). There is not a required education component for private recreational anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

2. An education component would need to be completed each calendar year.

3. An education component would need to be completed upon each issuance of a federal private recreational permit.

4. An education component would need to be completed every other year upon issuance of a federal private recreational permit.

5. An education component would need to be completed upon initial issuance of a federal private recreational permit.

*See Chapter 2 for detailed language of alternatives.
Preferred indicated in bold.

Chapter 5. Council’s Choice for the Preferred Alternative

5.1. Action 1. Establish a private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region

5.1.1. Snapper Grouper Advisory Panel Comments and Recommendations

Text.

5.1.2. Law Enforcement Advisory Panel Comments and Recommendations

Text.

5.1.3. Scientific and Statistical Committee Comments and Recommendations

Text.

5.1.4. Public Comments and Recommendations

Text.

5.1.5. Council’s Rationale

Text.

Alternatives

1. (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.
2. Require a federal permit for all vessels participating in the private recreational component of the snapper grouper fishery in the South Atlantic exclusive economic zone.
3. Require a federal permit for all private anglers participating in the private recreational component of the snapper grouper fishery in the South Atlantic exclusive economic zone.

*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

5.2. Action 2. Specify the species that would be covered by a private recreational snapper grouper permit

5.2.1. Snapper Grouper Advisory Panel Comments and Recommendations

Text.

5.2.2. Law Enforcement Advisory Panel Comments and Recommendations

Text.

5.2.3. Scientific and Statistical Committee Comments and Recommendations

Text.

5.2.4. Public Comments and Recommendations

Give dates for scoping and public comment hearings and provide links to comment pages.

5.2.5. Council's Rationale

Text; reference National Standards and FMP Goals and Objectives addressed by the action.

Alternatives

1 (No Action). A federal permit is not required for a private angler or private vessel when fishing for, harvesting, or possessing snapper grouper species in the South Atlantic exclusive economic zone.

2. A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species in the snapper grouper fishery management unit.

3....

*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

Chapter 6. Cumulative Effects

6.1. Affected Area

The immediate impact area would be the federal 200-mile limit of the Atlantic off the coasts of North Carolina, South Carolina, Georgia, and east Florida to Key West, which is also the South Atlantic Fishery Management Council's (Council) area of jurisdiction. In light of the available information, the extent of the boundaries would depend upon the degree of fish immigration/emigration and larval transport, whichever has the greatest geographical range. The ranges of affected species are described in Volume II of the Fishery Ecosystem Plan. For the proposed actions found in Amendment 53 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), the cumulative effects analysis includes an analysis of data from 2022 through the present.

6.2. Past, Present, and Reasonably Foreseeable Actions Impacting the Affected Area

Past Actions

Text.

Present Actions

Text.

Reasonably Foreseeable Future Actions

Text.

6.3. Consideration of Climate Change and Other Non-Fishery Related Issues

Climate Change

Text.

Weather Variables

Text.

6.4. Overall Impacts Expected from Past, Present, and Future Actions

Text.

6.5. Monitoring and Mitigation

Text.

Chapter 7. List of Preparers

Name	Agency/Division	Title
John Hadley	SAFMC	Economist/IPT Lead
Frank Helies	SERO/SF	Biologist/IPT Lead
Myra Brouwer	SAFMC	Deputy Director for Management
Chip Collier	SAFMC	Deputy Director for Science and Statistics
Christina Wiegand	SAFMC	Social Scientist
Dominique Lazarre	SERO/SF	Data Analyst
Jessica Stephen	SERO/SF	LAAP Branch Chief
Russel Dunn	NOAA OAA	National Policy Advisor
Kevin McIntosh	SERO/SF	Permits Office Supervisor
Rick DeVictor	SERO/SF	South Atlantic Branch Chief
Adam Bailey	SERO/SF	Technical Writer and Editor
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Christina Package-Ward	SERO/SF	Social Scientist
David Records	SERO/SF	Economist
Mike Travis	SERO/SF	Economist
Jennifer Lee	SERO/SF	Biologist
David Dale	SERO/HC	Regional EFH Coordinator
John Foster	NOAA OST	Statistician
Rob Andrews	NOAA OST	Biologist
Noah Silverman	SERO/Directorate	Regional NEPA Coordinator
Monica Smit-Brunello	NOAA GC	General Counsel
Shepherd Grimes	NOAA GC	General Counsel
Manny Antonaras	SERO/OLE	Deputy Special Agent in Charge
Ken Brennen	SEFSC	Recreational Fisheries Monitoring Branch Chief
Matt Walia	SERO/OLE	Enforcement Technician
David Carter	SEFSC	Economist
Erik Williams	SEFSC	Biologist
Alexander Gordon	SEFSC	Economist

IPT = Interdisciplinary Planning Team, SAFMC = South Atlantic Fishery Management Council, SERO = Southeast Regional Office, SF = Sustainable Fisheries Division, PR = Protected Resources Division, HC = Habitat Conservation Division, NOAA=National Oceanic and Atmospheric Administration, GC = General Counsel, OLE = Office of Law Enforcement, SEFSC = Southeast Fisheries Science Center.

Chapter 8. Agencies and Persons Consulted

Responsible Agencies

South Atlantic Fishery Management Council (Administrative Lead)
4055 Faber Place Drive, Suite 201
N. Charleston, South Carolina 29405
843-571-4366/ 866-SAFMC-10 (TEL)
843-769-4520 (FAX)
www.safmc.net

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
North Carolina Coastal Zone Management Program
South Carolina Coastal Zone Management Program
Georgia Coastal Zone Management Program
Florida Coastal Zone Management Program
Florida Fish and Wildlife Conservation Commission
Georgia Department of Natural Resources
South Carolina Department of Natural Resources
North Carolina Division of Marine Fisheries
North Carolina Sea Grant
South Carolina Sea Grant
Georgia Sea Grant
Florida Sea Grant
Atlantic States Marine Fisheries Commission
National Marine Fisheries Service
-Washington Office
-Office of Ecology and Conservation
-Southeast Regional Office
-Southeast Fisheries Science Center

Chapter 9. References

Text.

Appendix A. Other Applicable Law

1.1 Administrative Procedure Act (APA)

All federal rulemaking is governed under the provisions of the APA (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Among other things under the APA, the National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day wait period from the time a final rule is published until it takes effect, with some exceptions. Amendment 46 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region complies with the provisions of the APA through the South Atlantic Fishery Management Council’s (Council) extensive use of public meetings, requests for comments and consideration of comments. The proposed rule associated with this plan amendment will have a request for public comments, which complies with the APA, and upon publication of the final rule, unless the rule falls within an APA exception, there will be a 30-day wait period before the regulations are effective.

1.2 Information Quality Act (IQA)

The IQA (Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-443)) which took effect October 1, 2002, directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidelines to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” OMB directed each federal agency to issue its own guidelines, establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with OMB guidelines, and report periodically to OMB on the number and nature of complaints. The NOAA Section 515 Information Quality Guidelines require a series of actions for each new information product subject to the IQA. Amendment 53 uses the best available information and made a broad presentation thereof. The information contained in this document was developed using best available scientific information. Therefore, this document is in compliance with the IQA.

1.3 Coastal Zone Management Act (CZMA)

Section 307(c)(1) of the federal CZMA of 1972 requires that all federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. While it is the goal of the Council to have management measures that complement those of the states, federal and state administrative procedures vary and regulatory changes are unlikely to be fully instituted at the same time. The Council believes the actions in this plan amendment are consistent to the maximum extent practicable with the Coastal Zone Management Plans of Florida, Georgia, South Carolina, and North Carolina. Pursuant to Section 307 of the CZMA, this determination will be submitted to the responsible state agencies who administer the approved Coastal Zone Management Programs in the States of Florida, South Carolina, Georgia, and North Carolina.

1.4 Executive Order 12612: Federalism

Executive Order (E.O.) 12612 requires agencies to be guided by the fundamental federalism principles when formulating and implementing policies that have federalism implications. The purpose of the Order is to guarantee the division of governmental responsibilities between the federal government and the states, as intended by the framers of the Constitution. No federalism issues have been identified relative to the actions proposed in this document and associated regulations. Therefore, preparation of a Federalism assessment under E.O. 12612 is not necessary.

1.5 Executive Order 12962: Recreational Fisheries

E.O. 12962 requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods. Additionally, the Order establishes a seven-member National Recreational Fisheries Coordination Council responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The National Recreational Fisheries Coordination Council also is responsible for developing, in cooperation with federal agencies, states and tribes, a Recreational Fishery Resource Conservation Plan to include a five-year agenda. Finally, the Order requires NMFS and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

The alternatives considered in this document are consistent with the directives of E.O. 12962.

1.6 Executive Order 13089: Coral Reef Protection

E.O. 13089, signed by President William Clinton on June 11, 1998, recognizes the ecological, social, and economic values provided by the Nation's coral reefs and ensures that federal agencies are protecting these ecosystems. More specifically, the Order requires federal agencies to identify actions that may harm U.S. coral reef ecosystems, to utilize their program and authorities to protect and enhance the conditions of such ecosystems, and to ensure that their actions do not degrade the condition of the coral reef ecosystem.

The alternatives considered in this document are consistent with the directives of E.O. 13089.

1.7 Executive Order 13158: Marine Protected Areas (MPAs)

E.O. 13158 was signed on May 26, 2000, to strengthen the protection of U.S. ocean and coastal resources through the use of MPAs. The E.O. defined MPAs as "any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein." It directs federal agencies to work closely with state, local and non-governmental partners to create a comprehensive network of MPAs "representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources."

The alternatives considered in this document are consistent with the directives of E.O. 13158.

1.8 National Marine Sanctuaries Act (NMSA)

Under the NMSA (also known as Title III of the Marine Protection, Research and Sanctuaries Act of 1972), as amended, the U.S. Secretary of Commerce is authorized to designate National Marine Sanctuaries to protect distinctive natural and cultural resources whose protection and beneficial use requires comprehensive planning and management. The National Marine Sanctuary Program is administered by the Sanctuaries and Reserves Division of NOAA. The NMSA provides authority for comprehensive and coordinated conservation and management of these marine areas. The National Marine Sanctuary Program currently comprises 13 sanctuaries around the country, including sites in American Samoa and Hawaii. These sites include significant coral reef and kelp forest habitats, and breeding and feeding grounds of whales, sea lions, sharks, and sea turtles. The three sanctuaries in the South Atlantic exclusive economic zone are the USS Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries.

The alternatives considered in this document are not expected to have any adverse impacts on the resources managed by the National Marine Sanctuaries.

1.9 Paperwork Reduction Act (PRA)

The purpose of the PRA is to minimize the burden on the public. The PRA is intended to ensure that the information collected under the proposed action is needed and is collected in an efficient manner (44 U.S.C. 3501 (1)). The authority to manage information collection and record keeping requirements is vested with the Director of the Office of Management and Budget (OMB). This authority encompasses establishment of guidelines and policies, approval of information collection requests, and reduction of paperwork burdens and duplications. The PRA requires NMFS to obtain approval from the OMB before requesting most types of fishery information from the public. Actions in this document are not expected to affect PRA.

1.10 Small Business Act (SBA)

Enacted in 1953, the SBA requires that agencies assist and protect small-business interests to the extent possible to preserve free competitive enterprise. The objectives of the SBA are to foster business ownership by individuals who are both socially and economically disadvantaged; and to promote the competitive viability of such firms by providing business development assistance including, but not limited to, management and technical assistance, access to capital and other forms of financial assistance, business training, and counseling, and access to sole source and limited competition federal contract opportunities, to help firms achieve competitive viability. Because most businesses associated with fishing are considered small businesses, NMFS, in implementing regulations, must make an assessment of how those regulations will affect small businesses.

1.11 Public Law 99-659: Vessel Safety

Public Law 99-659 amended the Magnuson-Stevens Fishery Conservation and Management Act to require that a FMP or FMP amendment must consider, and may provide for, temporary adjustments (after consultation with the U.S. Coast Guard and persons utilizing the fishery)

regarding access to a fishery for vessels that would be otherwise prevented from participating in the fishery because of safety concerns related to weather or to other ocean conditions. No vessel would be forced to participate in South Atlantic fisheries under adverse weather or ocean conditions as a result of the imposition of management regulations proposed in this amendment. No concerns have been raised by South Atlantic fishermen or by the U.S. Coast Guard that the proposed management measures directly or indirectly pose a hazard to crew or vessel safety under adverse weather or ocean conditions.

Appendix B. Regulatory Impact Review

B.1. Introduction

Text.

B.2. Problems and Objectives

Text.

B.3. Description of Fisheries

Text.

B.4. Effects of Management Measures

Text.

B.5. Public Costs of Regulations

Text.

B.6. Net Benefits of Regulatory Action

Text.

B.7. Determination of Significant Regulatory Action

Text.

Appendix C. Regulatory Flexibility Act Analysis

C.1. Introduction

Text.

C.2. Statement of the Need for, Objective of, and Legal Basis for the Proposed Action

Text.

C.3. Description and Estimate of the Number of Small Entities to Which the Proposed Action Would Apply

Text.

C.4. Description of the Projected Reporting, Record-Keeping and Other Compliance Requirements of the Proposed Action, Including an Estimate of the Classes of Small Entities Which Will Be Subject to the Requirement and the Type of Professional Skills Necessary for the Preparation of the Report or Records

Text.

C.5. Identification of All Relevant Federal Rules, Which May Duplicate, Overlap, or Conflict with the Proposed Action

Text.

C.6. Significance of Economic Impacts on a Substantial Number of Small Entities

Text.

C.7. Description of the Significant Alternatives to the Proposed Action and Discussion of How the Alternatives Attempt to Minimize Economic Impacts on Small Entities

Text.

Appendix D. Essential Fish Habitat and Move to Ecosystem Based Management

D.1. EFH and EFH-HAPC Designations and Cooperative Habitat Policy Development and Protection

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires federal fishery management Councils and the National Marine Fisheries Service (NMFS) to designate essential fish habitat (EFH) for species managed under federal fishery management plans (FMP). Federal regulations that implement the EFH program encourage fishery management Councils and NMFS also to designate subsets of EFH to highlight priority areas within EFH for conservation and management. These subsets of EFH are called EFH-Habitat Areas of Particular Concern (EFH-HAPCs or HAPCs) and are designated based on ecological importance, susceptibility to human-induced environmental degradation, susceptibility to stress from development, or rarity of the habitat type. Information supporting EFH and EFH-HAPC designations was updated (pursuant to the EFH Final Rule) in Fishery Ecosystem Plan (FEP) II.

D.1.1. South Atlantic Council EFH User Guide

The [EFH Users Guide](#) developed during the FEP II development process is available through the FEP II Dashboard and provides a comprehensive list of the designations of EFH and EFH-HAPCs for all species managed by the South Atlantic Fishery Management Council (Council) and the clarifications identified during FEP II development. As noted above, additional detailed information supporting the EFH designations appears in FEP, FEP II, and in individual FMPs, and general information on the EFH provisions of the Magnuson-Stevens Act and its implementing regulations (50 CFR 900 [Subparts J and K](#)). These sources should be reviewed for information on the components of EFH assessments, steps to EFH consultations, and other aspects of EFH program operation.

D.1.2. South Atlantic Council EFH Policy and EFH Policy Statements Policy for Protection and Restoration of EFH South Atlantic Council Habitat and Environmental Protection Policy

In recognizing that species are dependent on the quantity and quality of their essential habitats, it is the policy of the Council to protect, restore, and develop habitats upon which fisheries species depend; to increase the extent of their distribution and abundance; and to improve their productive capacity for the benefit of present and future generations. For purposes of this policy, “habitat” is defined as the physical, chemical, and biological parameters that are necessary for continued productivity of the species that is being managed. The objectives of the Council policy will be accomplished through the recommendation of no net loss or significant environmental degradation of existing habitat. A long-term objective is to support and promote a net-gain of fisheries habitat through the restoration and rehabilitation of the productive capacity of habitats that have been degraded, and the creation and development of productive habitats where increased fishery production is probable. The

Council will pursue these goals at state, Federal, and local levels. The Council shall assume an aggressive role in the protection and enhancement of habitats important to fishery species and shall actively enter federal decision-making processes where proposed actions may otherwise compromise the productivity of fishery resources of concern to the Council.

D.1.3. South Atlantic Council EFH Policy Statements Considerations to Reduce or Eliminate the Impacts of Non-Fishing Activities on EFH

In addition to implementing regulations to protect habitat from degradation due to fishing activities, the Council in cooperation with NMFS, actively comments on non-fishing projects or policies that may impact fish habitat. The Council established a Habitat Protection and Ecosystem Based Management Advisory Panel (AP) and adopted a comment and policy development process. Members of the AP serve as the Council's habitat contacts and professionals in the field and have guided the Council's development of the following Policy Statements:

- [EFH Policy Statement on South Atlantic Climate Variability and Fisheries \(December 2016\)](#)
- [EFH Policy Statement on South Atlantic Food Webs and Connectivity \(December 2016\)](#)
- [Protection and Restoration of EFH from Marine Aquaculture \(June 2014\)](#)
- [Protection and Enhancement of Marine Submerged Aquatic Vegetation \(June 2014\)](#)
- [Protection and Restoration of EFH from Beach Dredging and Filling, Beach Re-nourishment and Large Scale Coastal Engineering \(March 2015\)](#)
- [Protection and Restoration of EFH from Energy Exploration, Development, Transportation and Hydropower Re-Licensing \(December 2015\)](#)
- [Protection and Restoration of EFH from Alterations to Riverine, Estuarine and Nearshore Flows \(June 2014\)](#)
- [Policies for the Protection of South Atlantic Marine & Estuarine Ecosystems from Non-Native and Invasive Species \(June 2014\)](#)
- [Policy Considerations for Development of Artificial Reefs in the South Atlantic Region and Protection of Essential Fish Habitat \(September 2017\)](#)

D.2. Habitat Conservation and Fishery Ecosystem Plans

The Council views habitat conservation as the foundation in the move to Ecosystem Based Fishery Management (EBFM) in the region. The Council has been proactive in advancing habitat conservation through extensive gear restrictions in all Council FMPs and by directly managing habitat and fisheries affecting those habitats through two FMPs, the [FMP for Coral, Coral Reefs and Live/Hard Bottom Habitat of the South Atlantic Region](#) (Coral FMP) and the [FMP for the Sargassum Fishery of the South Atlantic Region](#). The FMP for the Dolphin and Wahoo Fishery in the Atlantic represents a proactive FMP which established fishery measures and identified EFH in advance of overfishing or habitat impacts from the fisheries.

Building on the long-term conservation approach, the Council facilitated the evolution of the Habitat Plan into the first FEP to provide a clear description and understanding of the fundamental physical, biological, and human/institutional context of ecosystems within which

fisheries are managed and identify information needed and how that information should be used in the context of FMPs. Developing a South Atlantic FEP required a greater understanding of the South Atlantic ecosystem, including both the complex relationships among humans, marine life, the environment and essential fish habitat and a more comprehensive understanding of the biological, social, and economic impacts of management necessary to initiate the transition from single species management to EBFM in the region. To support the move towards EBFM, the Council adopted broad goals: (1) maintaining or improving ecosystem structure and function; (2) maintaining or improving economic, social, and cultural benefits from resources; and (3) maintaining or improving biological, economic, and cultural diversity.

D.3. Ecosystem Approach to Conservation and Management of Deep-water Ecosystems

Through [Comprehensive Ecosystem-Based Amendment 1](#), [Comprehensive Ecosystem-Based Amendment 2](#), and [Coral Amendment 8](#), the Council established and expanded deep-water coral HAPCs (CHAPCs) and co-designated them as EFH-HAPCs to protect the largest continuous distribution (>23,000 square miles) of pristine deep-water coral ecosystems in the world from fishing and non-fishing activities.

D.4. FEP II Development

The Council developed FEP II in cooperation with NMFS, as a mechanism to incorporate ecosystem principles, goals, and policies into the fishery management process, including consideration of potential indirect effects of fisheries on food web linkages when developing harvest strategies and management plans. Council policies developed through the process support data collection, model and supporting tool development, and implementation of FEP II. FEP II and the FEP II Implementation Plan provide a system to incorporate ecosystem considerations into the management process.

FEP II was developed employing writing and review teams established from the Council's Habitat Protection and Ecosystem Based Management AP, and experts from state, federal, non-governmental organizations (NGOs), academia and other regional organizations and associations. Unlike the original Plan, FEP II is a living continually developing online information system presenting core sections and sections with links to documents or other online systems with detailed updated information on species, habitat, fisheries and research. A core part of the FEP II development process involved engaging the Council's Habitat Protection and Ecosystem Based Management AP and regional experts in developing new sections and ecosystem-specific policy statements to address South Atlantic food webs and connectivity and South Atlantic climate variability and fisheries. In addition, standing essential fish habitat policy statements were updated and a new artificial reef habitat policy statement was approved. In combination, these statements advance habitat conservation and the move to EBFM in the region. They also serve as the basis for further policy development, consideration in habitat and fish stock assessments and future management of fisheries and habitat. They also support a more comprehensive view of conservation and management in the South Atlantic and identify long-term information needs, available models, tools, and capabilities that will advance EBFM in the region.

D.4.1.FEP II Dashboard (In Transition to New Habitat and Ecosystem Page)

The FEP II Dashboard and associated online tools provided a clear description of the fundamental physical, biological, human, and institutional context of South Atlantic ecosystems within which fisheries are managed. The Council’s new website (under development) will include a new Habitat and Ecosystem page where the FEP II Dashboard layout shown below will be refined and integrated.

- Introduction
- South Atlantic Ecosystem
- South Atlantic Habitats
- Managed Species
- Social and Economic
- Essential Fish Habitat
- SAFMC Managed Areas
- Research & Monitoring
- SAFMC Tools

D.5. NOAA EBFM Activities Supporting FEP II

D.5.1.NOAA EBFM Policy and Road Map

To support the move to EBFM, NMFS developed an agency-wide EBFM Policy and Road Map available through Ecosystem page (under revision) of the FEP II Dashboard that outlines a set of principles to guide actions and decisions over the long-term to: implement ecosystem-level planning; advance our understanding of ecosystem processes; prioritize vulnerabilities and risks to ecosystems and their components; explore and address trade-offs within an ecosystem; incorporate ecosystem considerations into management advice; and maintain resilient ecosystems.

D.5.2.FEP II Implementation Plan Structure and Framework

The Implementation Plan is structured to translate approved policy statements of the Council into actionable items. The plan encompasses chapters beginning with an introduction to the policy statement, a link to the complete policy statement, and a table which translates policies and policy components into potential action items. The actions within the plan are recommendations for activities that could support the Council’s FEP II policies and objectives.

D.5.3.FEP II Two Year Roadmap

The FEP II Two Year Roadmap draws from the Implementation Plan and presents three to five priority actions for each of the nine approved policy statements of the Council. The Roadmap provides “Potential Partners” and other potential regional collaborators, a focused list of priority actions they could cooperate with the Council on to advance policies supporting the move to EBFM in the South Atlantic region.

D.5.4. Monitoring/Revisions to FEP II Implementation Plan

FEP II and this supporting Implementation Plan are considered active and living documents. The Implementation Plan will be reviewed and updated periodically. The Council’s Habitat Protection and Ecosystem Based Management Committee will review, revise and refine those recommendations for Council consideration and approval for inclusion into the implementation plan.

D.6. Regional Habitat and Ecosystem Partners

The Council, with the Habitat Protection and Ecosystem Based Management AP as the foundation, collaborates with regional partners to create a comprehensive habitat and ecosystem network in the region to enhance habitat conservation and EBFM.

Detailed information and links to partners are highlighted online:

https://ocean.floridamarine.org/safmc_dashboard/partners.html.

D.7. Regional Ecosystem Modeling in the South Atlantic

D.7.1. South Atlantic Ecopath with Ecosim Model

The Council worked cooperatively with the University of British Columbia and the Sea Around Us project to develop a straw-man and preliminary food web models (Ecopath with Ecosim) to characterize the ecological relationships of South Atlantic species, including those managed by the Council. This effort helped the Council and cooperators identify available information and data gaps while providing insight into ecosystem function. More importantly, the model development process provided a vehicle to identify research necessary to better define populations, fisheries, and their interrelationships. While individual efforts were underway in the South Atlantic, only with significant investment of resources through other programs was a comprehensive regional model further developed.

The current South Atlantic Ecopath with Ecosim (EwE) model provides a more complete view of the system and supports potential future evaluations that may be possible with the model. With the model complete and tuned to the available data it can be used to address broad strategic issues and explore “what if” scenarios that could then be used to address tactical decision-making questions such as provide ecosystem context for single species management, address species assemblage questions, and address spatial questions using Ecospace.

A modeling team comprised of FWRI staff, Council staff and other technical experts as needed, will coordinate with members of the original Ecosystem Modeling Workgroup to maintain and further refine the South Atlantic model.

D.8. Tools supporting Habitat Conservation and EBFM in the South Atlantic Region

The Council developed a Habitat Conservation and Ecosystem Management Section which provided access to the FEP II Digital Dashboard and associated tools which is under development with the new website. Florida's FWRI maintains and distributes GIS data, imagery, and documents relevant to habitat conservation and ecosystem-based fishery management in their jurisdiction. Web Services and spatial representations of EFH and other habitat related layers are accessible through the Council's [SAFMC Atlas](#), a platform for searching and visualizing GIS data relevant to the Council's mission and download of GIS layers and information on regional partners is available through the [SAFMC Digital Dashboard](#). The online systems provide access to the following Services:

- i. [South Atlantic Fisheries Webservice](#): Provides access to species distribution and spatial presentation of regional fishery independent data from the Southeast Area Monitoring and Assessment Program (South Atlantic) SEAMAP-SA, the Marine Resources Monitoring, Assessment, and Prediction program (MARMAP), and NOAA Southeast Fishery-Independent Survey (SEFIS).
- ii. [South Atlantic EFH Webservice](#): Provides access to spatial representation of EFH and EFH-HAPCs for Council-managed species and Highly Migratory Species.
- iii. [South Atlantic Managed Areas Service](#): Provides access to spatial presentations of Council and other managed areas in the region.
- iv. [South Atlantic Artificial Reefs Web Application](#): Provides a regional view of artificial reefs locations, contents and imagery associated with programs in the southeastern U.S. overseen by individual states (Florida, Georgia, South Carolina, North Carolina).
- v. South Atlantic [ACCSP Web Map](#) and [Application](#): The web map displays Atlantic Coastal Cooperative Statistics Program (ACCSP) Statistical Areas representing catch and values of Council-managed species across time with the application displaying charts of landings and values for ACCSP Statistical Areas.

D.9. Ecosystem-Based Action, Future Challenges and Needs

One of the greatest challenges to enhance habitat conservation and EBFM in the region is funding high priority research, including comprehensive benthic mapping and ecosystem model and management tool development. In addition, collecting detailed information on fishing fleet dynamics including defining fishing operation areas by species, species complex, and season, as well as catch relative to habitat is critical for assessment of fishery, community, and habitat impacts and for Council use in place-based management measures. Additional resources need to be dedicated to expanding regional coordination of modeling, mapping, characterization of species use of habitats, and full funding of regional fishery independent surveys (e.g., MARMAP, SEAMAP, and SEFIS) which are linking directly to addressing high priority management needs. Appendix A of the FEP II Implementation Plan highlights research and data needs excerpted from the [SEAMAP 5 Year Plan](#) because they represent short and long-term research and data needs that support EBFM and habitat conservation in the South Atlantic Region.

Development of ecosystem information systems to support Council management should build on existing tools (e.g., Regional Habitat and Ecosystem GIS and Arc Services) and provide resources to regional cooperating partners for expansion to address long-term Council needs. NOAA should support and build on the regional coordination efforts of the Council as it transitions to a broader management approach. Resources need to be provided to collect information necessary to update information supporting FEP II, which support refinement of EFH designations and spatial representations and future EBFM actions. These are the highest priority needs to support habitat conservation and EBFM, the completion of mapping of near-shore, mid-shelf, shelf edge, and deep-water habitats in the South Atlantic region and refinement in the characterization of species use of habitats.

Appendix E. Alternatives Considered but Eliminated from Detailed Analysis

Text.

Appendix F. Data Analyses

Text.

F.1. Recreational Sector

Text.

Appendix G. Bycatch Practicability Analysis

G.1. Background

Text.

G.2. Population Effects for the Bycatch Species

Text.

Commercial Sector

Text.

Recreational Sector

Text.

Current Discards

Text.

G.3. Practicability of Management Measures in Directed Fisheries Relative to their Impact on Bycatch and Bycatch Mortality

Expected Impacts on Bycatch for the Subject Amendment Actions

Text.

Past, Current, and Future Actions to Prevent Bycatch and Improve Monitoring of Harvest, Discards, and Discard Mortality

Text.

G.4. Ecological Effects Due to Changes in Bycatch

Text.

G.5. Changes in the Bycatch of Other Fish Species and Resulting Population and Ecosystem Effects

Text.

G.6. Effects on Marine Mammals and Birds

Marine Mammals

Text.

Sea Birds

Text.

G.7. Changes in Fishing, Processing, Disposal, and Marketing Costs

Text.

G.8. Changes in Fishing Practices and Behavior of Fishermen

Text.

G.9. Changes in Research, Administration, and Enforcement Costs and Management Effectiveness

Research

Text.

Administration

Text.

Enforcement

Text.

G.10. Changes in the Economic, Social, or Cultural Value of Fishing Activities and Non-Consumptive Uses of Fishery Resources

Text.

G.11. Changes in the Distribution of Benefits and Costs

Text.

G.12. Social Effects

Text.

G.13. Conclusion

Text.

Appendix H. Fishery Impact Statement

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires a Fishery Impact Statement (FIS) be prepared for all amendments to Fishery Management Plans (FMPs). The FIS contains an assessment of the likely biological, social, and economic effects of the conservation and management measures on: 1) fishery participants and their communities; 2) participants in the fisheries conducted in adjacent areas under the authority of another Council; and 3) the safety of human life at sea.

H.1. Actions Contained in Snapper Grouper Amendment __

Text.

H.2. Assessment of Biological Effects

Text.

H.3. Assessment of Economic Effects

Text.

H.4. Assessment of the Social Effects

Text.

H.5. Assessment of Effects on Safety at Sea

Text