

**Presidential Executive Order 13921 of May 7, 2020**  
**on**  
**Removing Barriers to Fisheries**

**SAFMC RESPONSE**

**1. Management of SAFMC resources is hampered by inadequate resources in the Region.**

- ACTION TYPE: OTHER
- DESCRIPTION OF ACTION: Improve fishery independent monitoring; increase analytical, fishery dependent and fishery dependent monitoring resources within the SEFSC.

Implement the following improvements in fishery independent monitoring: adequate monitoring for Deepwater species, few of which can be assessed with existing information; Restore longline surveying for tilefish to reduce stock assessment uncertainty; Provide increased funding for SEFIS to fully support the SERFS and MARMAP components, address the priorities of the Fish Independent monitoring workshop, and fully support SEAMAP priorities; Develop juvenile surveys for the priority stocks identified in the SAFMC Research and Monitoring Plan and considered in the NMFS Stock Assessment Prioritization Plan for the South Atlantic. Change tag and permit fee policies so that fees are provided to the Region where collected and allow funds from tags or fees to be directed to fishery and data improvement projects to benefit the fishery that provides the funds.

- RATIONALE: The chronic lack of adequate fishery monitoring information and analytical capabilities hinders the SAFMC's ability to manage under the mandates of the MSA. Due to requirements to follow the precautionary principle, the lack of adequate science and the great uncertainty in basic information such as total fishery removals forces the Council to adopt precautionary limits that prevent full fishery utilization. Only 16 of 75 finfish stocks managed by the SAFMC have been quantitatively assessed, and all of these assessments suffer from major data gaps, such as inadequate independent surveys or unacceptably high catch uncertainty, that lead to excessive scientific uncertainty.
- IMPLEMENTATION: The Council requests that NMFS take appropriate action.

**2. The Council does not receive regular, up to date and adequate information on stock removals including discards, fishing effort, or economic conditions.**

- ACTION TYPE : OTHER
- DESCRIPTION OF ACTION: Provide SAFE Reports to the SAFMC as required under National Standard 2 Guidelines.
- RATIONALE: The SAFMC struggles to implement MSA standards in the absence of regular and complete information on stock status and fishing related removals, economic and social conditions in the fisheries, and habitat and ecosystem impacts, despite the agency being mandated to provide such information by the MSA. As a result, the SAFMC operates adequate information on the fisheries it manages and the impact and effectiveness of its management program. Under MSA management standards the Council is obligated to

address this uncertainty by taking precautionary actions. These actions unfairly penalize constituents and prevent the Council from managing its stocks for Optimum Yield.

- **IMPLEMENTATION:** The Council requests that NMFS take appropriate action.

### **3. Shark depredation is an increasing concern.**

- **ACTION TYPE :** OTHER
- **DESCRIPTION OF ACTION:** Request that NMFS create a regional working group across the Gulf and Atlantic to evaluate, characterize, and quantify the impact of shark depredation and trends over time by shark species. The working group should also recommend management changes to the appropriate entities.
- **RATIONALE:** Depredation by sharks is having an adverse impact of fishing operations across all fishery sectors in the South Atlantic. Fish that are captured and then devoured by sharks are lost to the population without providing any benefit to the nation through either sale or personal consumption. Depredation is also negatively impacting demand for for-hire fishing trips in areas where it is prevalent. This is an increasing problem in several fisheries in the SA.
- **IMPLEMENTATION:** The Council requests that NMFS take appropriate action.

### **4. Clarify language in the Modernizing Recreational Fisheries Management Act within the constraints of the MSA and National Standard 1 guidelines.**

- **ACTION TYPE:** policy guidance
- **DESCRIPTION OF ACTION:** Evaluate the National Standard 1 guidelines relative to the Modern Fish Act and provide clarification on the flexibility available to the GMFMC and SAFMC to implement alternative approaches for managing recreational fisheries.
- **RATIONALE:** The Modern Fish Act is intended to provide greater management flexibility, but it is difficult to implement flexibility within the rigid framework of the MSA. The intent of this order is in alignment with the provision of the Act, but there is considerable underlying policy confusion. SAFMC and GMFMC created a working group to address provisions of the Modern Fish Act related to management flexibility, and the group has struggled to determine what type of flexibility is actually allowed. Many within the recreational community consider that requirements for ACLs based on absolute pounds and numbers are nothing more than quotas and are inappropriate for recreational fisheries management due to how recreational fisheries operate.
- **IMPLEMENTATION:** The Council requests that NMFS take appropriate action.

### **5. Improve MRIP estimates.**

- **ACTION TYPE:** Other
- **DESCRIPTION OF ACTION:** Improve MRIP estimates. (1) Complete the work of the Rare Event Species Estimation Working group and provide the Council recommendations on management actions it can take to improve data collection and estimation precision. (2) Develop protocols to incorporate supplemental and voluntarily submitted data from anglers. (3) Develop methods to provide more timely estimates of harvest for those stocks requiring in-season accountability measures.
- **RATIONALE:** The Council has learned that it is not management by science that fishermen object to, but rather management by no or inadequate science. Catch and effort estimates

provided by MRIP for many stocks managed by the South Atlantic Council lack adequate precision and the timeliness of estimates does not meet in-season management needs. It is well documented that the primary recreational data collection program, MRIP, is not designed to provide absolute measures of catch or support quota management. However, absolute measures of catch are exactly what are required under the MSA provisions for management by Annual Catch Limits, which are, essentially, quotas. (1) Most of the stocks managed by SAFMC fall into the 'rare' event category and are estimated with inadequate precision, as indicated by PSE values, for effective management. (2) Voluntary supplemental data can have many uses for filling gaps in the existing MRIP monitoring protocols, a few of which include: improving characterization of fishing effort and fishing locations; providing an alternative data stream to help validate catch and effort estimates; providing catch information for anglers using private access points; providing information on released fish, depredation, and use of best practices; and increasing observations of the biological characteristics of harvest. (3) The MSA and associated guidelines strongly suggest using in-season accountability. However, many fisheries in the South Atlantic are strongly seasonal, occurring over 2-3 Waves during warmer months. By the time an overage from waves 3 and 4 is reported near the end of wave 5, effort is markedly decreased and there is no realistic opportunity to implement a meaningful management response. Additionally, within the MRIP program no age samples are collected, length and weight monitoring are inadequate for many species, no information is available to characterize released fish, and information on fishing practices is incomplete and overly simplistic to capture the range of recreational activities. Because recreational fisheries are significant in the South Atlantic and stock removals by recreational activities exceed commercial removals for many key stocks, basic fishery information specific to recreational removals is critical to ensuring adequate assessments and effective management

- IMPLEMENTATION: The Council requests that NMFS take appropriate action.

## **6. Fund the for-hire reporting program in the South Atlantic.**

- ACTION TYPE Other
- DESCRIPTION OF ACTION: Provide funding to ensure the success of the for-hire electronic reporting in the South Atlantic.
- CFR:
- RATIONALE Funding is critical to program success. The lack of funding support jeopardizes validation and dockside sampling of the for-hire sector in the South Atlantic and therefore poses a threat to acceptance and use of data that will be submitted by for-hire operators under the recently approved mandatory reporting requirements in the South Atlantic. As it is required to do under the MSA, the Council has determined that mandatory for hire reporting is necessary to provide the information needed for management. Therefore, the agency is obligated to develop a reporting program that will actually use the information reported by the fishermen.
- IMPLEMENTATION: The Council requests that NMFS take appropriate action.

**7. Support regional climate change response efforts.**

- ACTION TYPE Other
- DESCRIPTION OF ACTION: Provide financial support to the SAFMC, MAFMC, and NEFMC to pursue the Scenario Planning process initiated through the Northeast Region Coordinating Council.
- RATIONALE: Changes in species distribution due to ecosystem and climate changes are being observed along the Atlantic Coast. Such changes will increasingly create access, management jurisdiction, and constituent involvement issues in the fisheries and pose challenges to the 3 Councils that manage resources from Maine through Florida. It may also lead to changes in stock carrying capacity and thus MSY. Species shifts threaten the success of management activities by all 3 Atlantic Coast Councils.
- IMPLEMENTATION: The Council requests that NMFS take appropriate action.

**8. Excessive delay in providing fishery disaster relief funding through NMFS.**

- ACTION TYPE: ORDER
- DESCRIPTION OF ACTION: Request that NMFS implement an order to improve the disaster relief process and develop efficient methods of distributing allocated relief funds. Relief funds should be distributed within 6 months of disaster funds allocation by Congress.
- RATIONALE: Several years often pass before for disaster relief financial support, such as that provided after hurricanes, is made available to fishermen and fishing industry businesses. Most of those receiving such relief are small business owners with few other relief options available to them. These delays threaten their survival. The recently increasing number of annual weather disasters, coupled with relief delays, threatens the fishing industry in the Southeast. Delays also continue in the process to provide the allocated CARES funding to fishermen in the Southeast.
- IMPLEMENTATION: The Council requests that NMFS take appropriate action.

**9. The Wreckfish ITQ program has not been reviewed or evaluated for many years**

- ACTION TYPE: Regulation
- DESCRIPTION OF ACTION: Evaluate the ITQ program and consider changes.
- CFR:
- RATIONALE: Fishermen have identified the current paper-based ITQ system as a clear hindrance and burden to their operations.
- IMPLEMENTATION: In September 2020 the Council initiated an amendment to evaluate and update the wreckfish ITQ program.

**10. Oculina Area Modifications**

- ACTION TYPE: Regulation
- DESCRIPTION OF ACTION: Establish a shrimp fishery access area along the eastern boundary of the Northern extension of the Oculina Bank closed area.
- CFR
- RATIONALE: The Council has had a long-standing intent to refine this closed area and remove this burden to fishing operations.

- Initiation Plan: In September 2020, the Council initiated an action to modify the Oculina closed area.

#### **11. Commercial electronic logbooks**

- ACTION TYPE: Regulation
- DESCRIPTION OF ACTION: implement electronic logbooks via amendment
- CFR
- RATIONALE: Fishermen informed the Council that the current paper logbook system is burdensome and inefficient. The Council has worked with the SEFSC to develop a voluntary electronic program to replace paper logbooks.
- IMPLEMENTATION: An amendment has been started by Council, and will be considered further after the voluntary program is in place. This will allow fishermen to provide first-hand perspectives on the system before mandatory provisions are imposed.

#### **12. Snapper Grouper commercial permit ‘two for one’ provision limits fishery participation**

- ACTION TYPE: Other
- DESCRIPTION OF ACTION: Evaluate performance of the snapper grouper commercial permit two for one provision and consider if changes will provide social or economic benefits to the fishery.
- CFR
- RATIONALE: The Council imposed a 2 for 1 permit system in the snapper grouper commercial fishery to limit participation due to concerns with overcapitalization. Fishermen are reporting that the burden to entry has become excessive, especially to younger fishermen.
- IMPLEMENTATION: The Council will review an analysis of these provisions in early 2021.

#### **13. Address optimum yield in the King Mackerel fishery**

King Mackerel fishery landings are well below the ACL, fishing mortality rates are well below target, and the recent stock assessments suggested the ACL can be raised further.

- ACTION TYPE: Regulation
- DESCRIPTION OF ACTION: Modify King Mackerel management actions through an FMP amendment
- RATIONALE : A recent assessment indicated that the King Mackerel stock is at high abundance and fishing mortality rates are well below target levels. The fishery is not reaching current ACLs and ACLs under the new assessment may be even higher. Fully utilizing the available yield will provide economic benefits to commercial and recreational operations.
- IMPLEMENTATION Council is working on an amendment to implement a revised ACL based on an assessment received in July 2020 and will consider regulatory changes directed at increasing commercial and recreational harvest.

#### **14. Evaluate stock determination criteria for Spiny Lobster.**

- ACTION TYPE: Regulatory
- DESCRIPTION OF ACTION: Evaluate stock determination criteria and biological reference points alternatives for Spiny Lobster

- **RATIONALE :** The Spiny Lobster stock extends through the Caribbean with very little of the spawning stock found in US waters. Because the US fishery depends on recruitment from outside US waters, and conservation of the US stock will not impact the overall spawning stock, the species poses challenges to management under MSA provisions built around spawning stock preservation and its associated benefits. The stock is largely managed to optimize yield of the recruits that make their way to and settle in US waters.
- **IMPLEMENTATION:** The Council will request an analysis of alternative management approaches for consideration in 2021.

#### **15. Early seasonal closures in the commercial sector of Spanish Mackerel**

- **ACTION TYPE:** Regulation
- **DESCRIPTION OF ACTION:** Evaluate reasons for early commercial closures in the Spanish Mackerel fishery.
- **RATIONALE :** The commercial fishery for Spanish Mackerel has often closed due to reaching the ACL in recent years, while the recreational fishery has stayed well below its limits. As a result the stock is not being fully utilized.
- **IMPLEMENTATION:** The Council has discussed an amendment to address Spanish Mackerel. It will be revisited, to update the ACL and consider management changes, once results of an updated assessment are received in 2022.