



THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Snapper Grouper Regulatory Amendment 40

Re-opening of nearshore closed areas and trip limit for black sea bass pots

June 2026

Background

Regulatory Amendment 40 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Regulatory Amendment 40) seeks to: 1) evaluate whether to allow black sea bass pots equipped with on-demand retrieval systems (on-demand gear) in nearshore areas that are closed seasonally to protect North Atlantic right whales (NARW); and 2) explore whether a reduction to the commercial trip limit for pots is warranted to ensure landings remain at or below the commercial annual catch target proposed in Regulatory Amendment 37 (under review).

Nearshore areas are closed seasonally to the use of pots to reduce the risk of entanglement for NARW. See [50 CFR 622.183\(b\)\(6\)](#).

From November 1 through 30 and from April 1 through 30 each year, the black sea bass pot closure applies to inshore waters from approximately Daytona Beach, Florida, to Cape Hatteras, North Carolina (**Figure 1**).

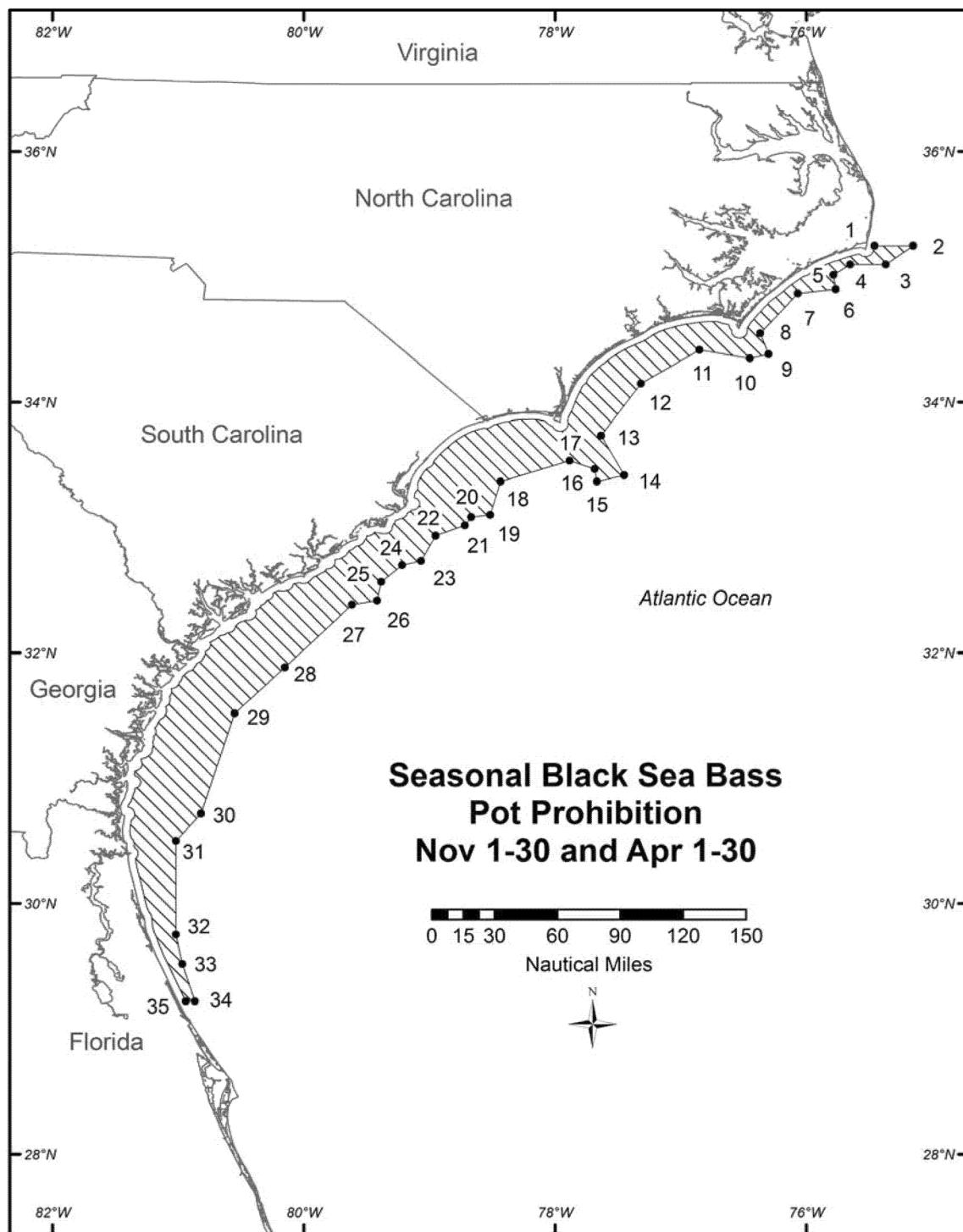


Figure 1. Area where the use of black sea bass pot is prohibited seasonally during November and April.

From December 1 through March 31, the black sea bass pot closure applies to inshore waters from approximately Cape Canaveral, Florida, to Cape Hatteras, North Carolina (**Figure 2**).

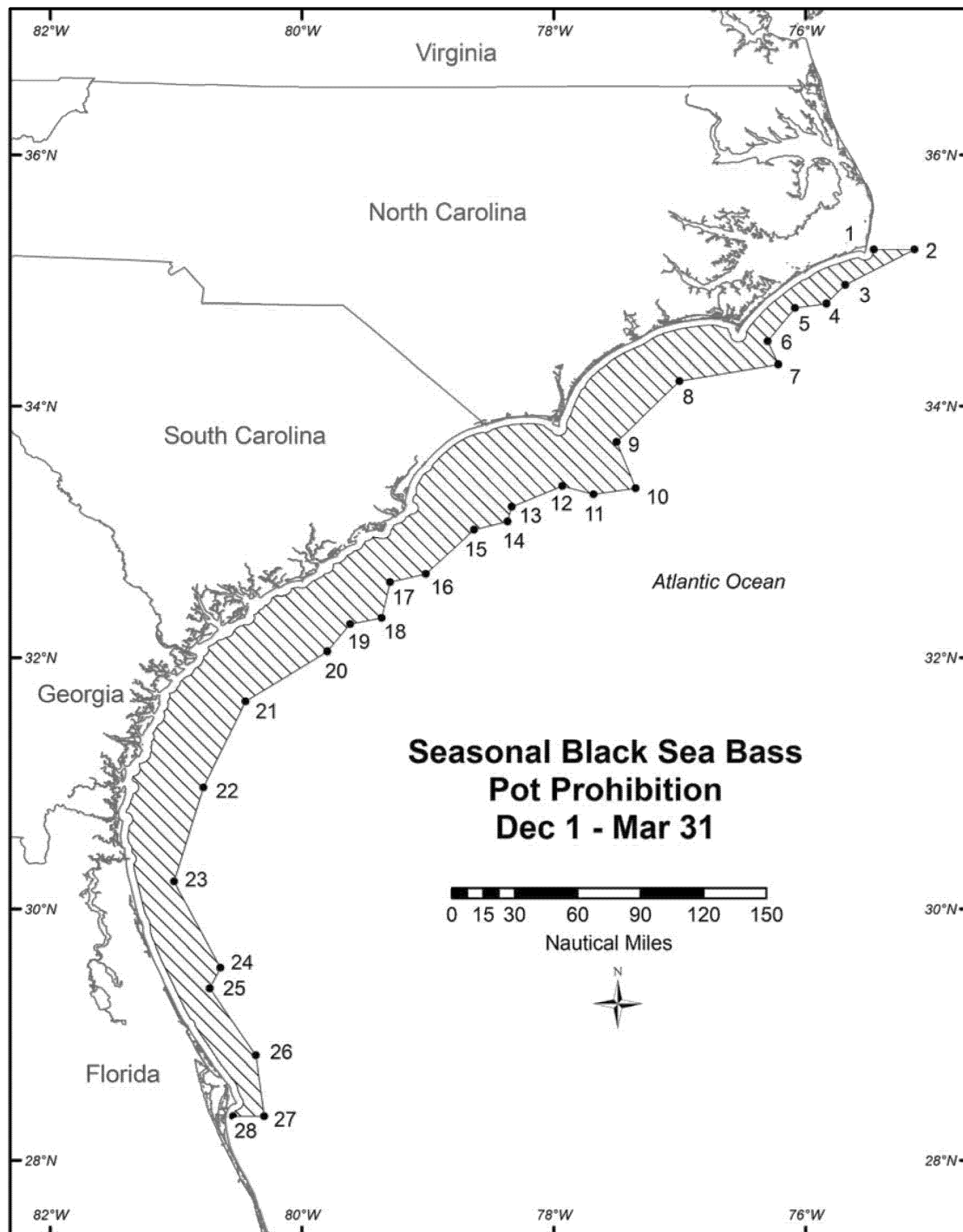


Figure 2. Area where the use of black sea bass pot is prohibited seasonally from December through March.

The re-opening of these areas to black sea bass pots would be conditional on pots being equipped with on-demand retrieval systems. On-demand types of gear differ from roped gear by storing buoys and their retrieval devices at depth, only being deployed into the water column when fishermen are present to retrieve the gear. Adaptation of on-demand gear for this style of pot fishing would lower the probability of negative interactions with whales and other marine animals that suffer entanglements. Exempted fishing permits (EFP) have allowed experimental use of this gear and exemption from time, area, and other sea bass pot requirements (See **Attachment 9b**).

Summary of last meeting (March 2026)

March 2026 Committee Report

- The Council gave staff direction to begin work on this amendment after hearing public comment on the need to increase access to the black sea bass resource to commercial fishermen using pots equipped with on-demand gear.
- Since commercial harvest of black sea bass is being limited to an annual catch target and a two-month spawning season closure will be put in place with implementation of Regulatory Amendment 37, the Council requested input from its Snapper Grouper Advisory Panel (AP) on whether to consider a trip limit reduction for the pot component of the fishery to extend the commercial season.

Objectives for this meeting (June 2026)

- Review Purpose and Need
- Review actions and alternatives and available information
- Review input from Snapper Grouper AP
- Review timeline of amendment development

Preliminary Information

Summary information is presented below to inform trip limit discussion:

- Landings of pots by commercial gear
- Pounds landed per trip
- Seasonality of landings

Pot gear has been the dominant commercial gear but landings have been steadily declining since about 2010 (Figure 1).

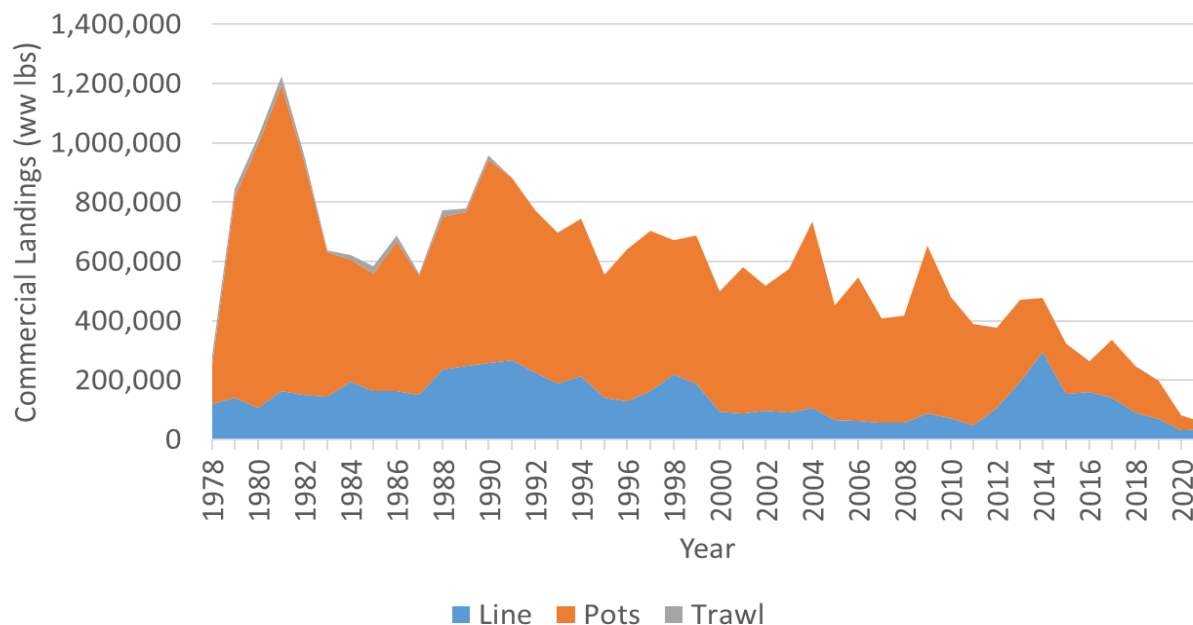


Figure 1. Commercial landings of black sea bass by gear type in the South Atlantic (south of cape Hatteras) from 1978 through 2024.
Source: SEDAR 76 (Table 4).

Pounds landed per trip for commercial pot gear in the South Atlantic from 2005 through 2024 are shown in **Figure 2**. Of note is the difference in scale from the beginning of the time series (max of 150 trips in 2009) to recent years (max of 10 trips in recent years) and predominance of confidential landings in 2023 and 2024. There were regulatory changes that affected pots in October 2013 (Regulatory Amendment 19; November through April closure for pot gear in the EEZ) and again in January 2017 (Regulatory Amendment 16; modified the pot closure to what's currently in place with spatial and temporal components).



Figure 2. Pounds of black sea bass landed by number of trips using pot gear in the South Atlantic from 2005 through 2024. Data for South Carolina, Georgia, and Florida were aggregated to preserve confidentiality. Red asterisk indicates confidential landings. Source: Coastal Logbook.

Figure 3 provides information on the seasonality of black sea bass commercial landings with pot gear. Landings (lbs ww) are shown by month from 2005 through 2024. From 2005 through 2008, landings clearly peaked in the winter months. Thereafter, closures and changes in management (besides pot gear restrictions previously noted) obscure any seasonal pattern in landings (closures occurred in 2009-2012, the current endorsement program was implemented in 2012, and the commercial fishing year changed from June/May to Jan/Dec in 2015). Pot landings have declined steadily from around 100,000 lbs in the early 2000s to below 20,000 lbs in the last 5 years of the time series.

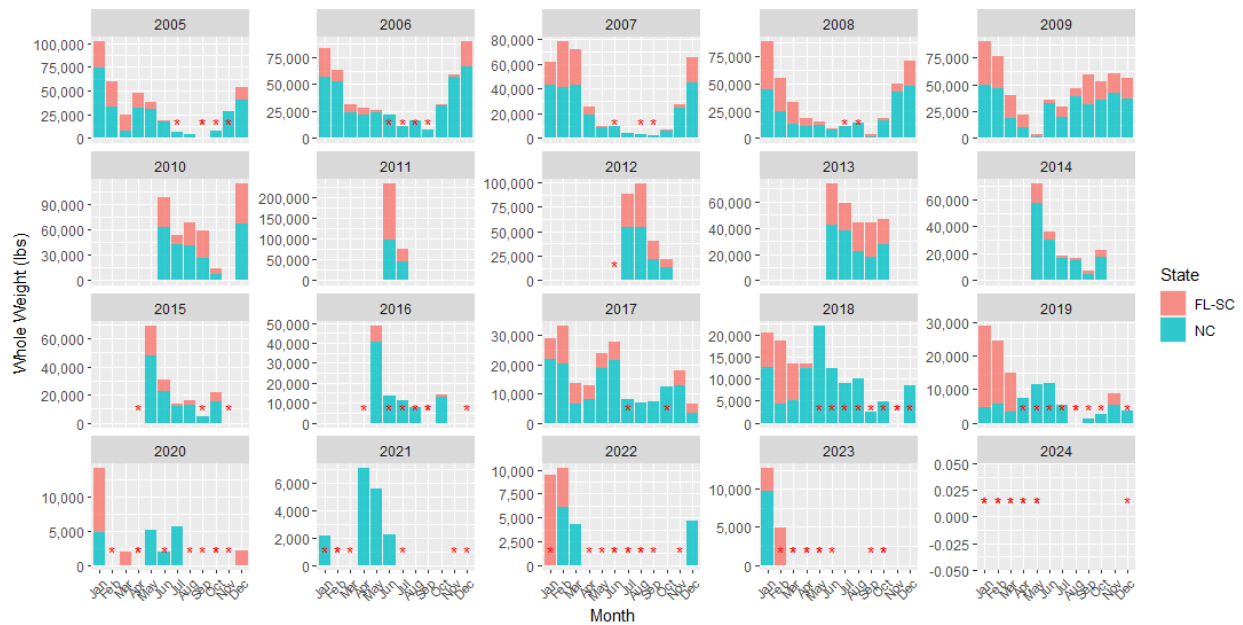


Figure 3. South Atlantic black sea bass pot landings by month from 2005 through 2024. Data for South Carolina, Georgia, and Florida were aggregated to preserve confidentiality. Red asterisk indicates confidential landings.

Source: Coastal Logbook.

Snapper Grouper AP Recommendations

At their April 21-23, 2026, meeting, the AP discussed whether changes to black sea bass pot commercial trip limits should be considered in Regulatory Amendment 40 along with the potential re-opening on the seasonal nearshore closed areas to on-demand pot gear. The AP had the following input:

- Off North Carolina, the South Atlantic black sea bass fishery is affected by the mid-Atlantic trawl fishery. The latter affects the catch levels and the market. AP members stated that black sea bass are now difficult to sell in the South Atlantic market.
- There needs to be restrictions on the Mid-Atlantic trawl fishery to improve the South Atlantic black sea bass pot fishery. The trawl fishery floods the market, and black sea bass catch levels in the Mid-Atlantic were recently increased.
- In Florida, where there was a black sea bass pot fishery, there are no commercial landings from pots anymore; therefore, regulations on the commercial trip limit for pots will be moot in that area.
- The black sea bass pot fishery is a very clean fishery in terms of discards. Any increase in pot fishing because of re-opening closed areas would not lead to an increase in commercial discards.
- AP members agreed that the potential of the pot fishery becoming a derby was low due to the low number of active endorsements and the significant expense of on-demand retrieval systems for black sea bass pots. Fishermen will have to balance out investment in this innovative gear and maintaining profit. Therefore, not all endorsement holders will be willing to incur the cost of equipping their pots with on-demand gear.

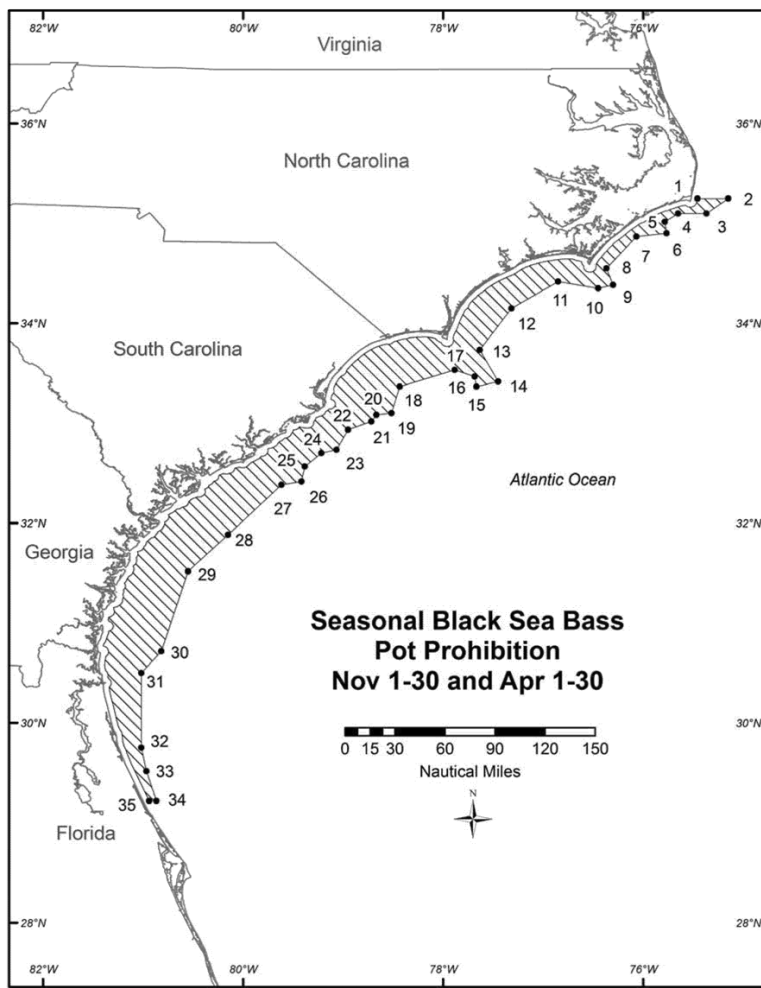
- AP members agreed the trip limit for black sea bass pots should not be any lower. If it decreases, it will no longer be profitable.
- AP members were in support of the opening of nearshore seasonal closures to pots equipped with on-demand gear.
- Some AP members expressed concern over the for-hire industry retaining access to black sea bass if nearshore closed areas are re-opened to commercial harvest with pots. Adjusting the fishing year for both sectors would balance access.

Draft Actions and Alternatives

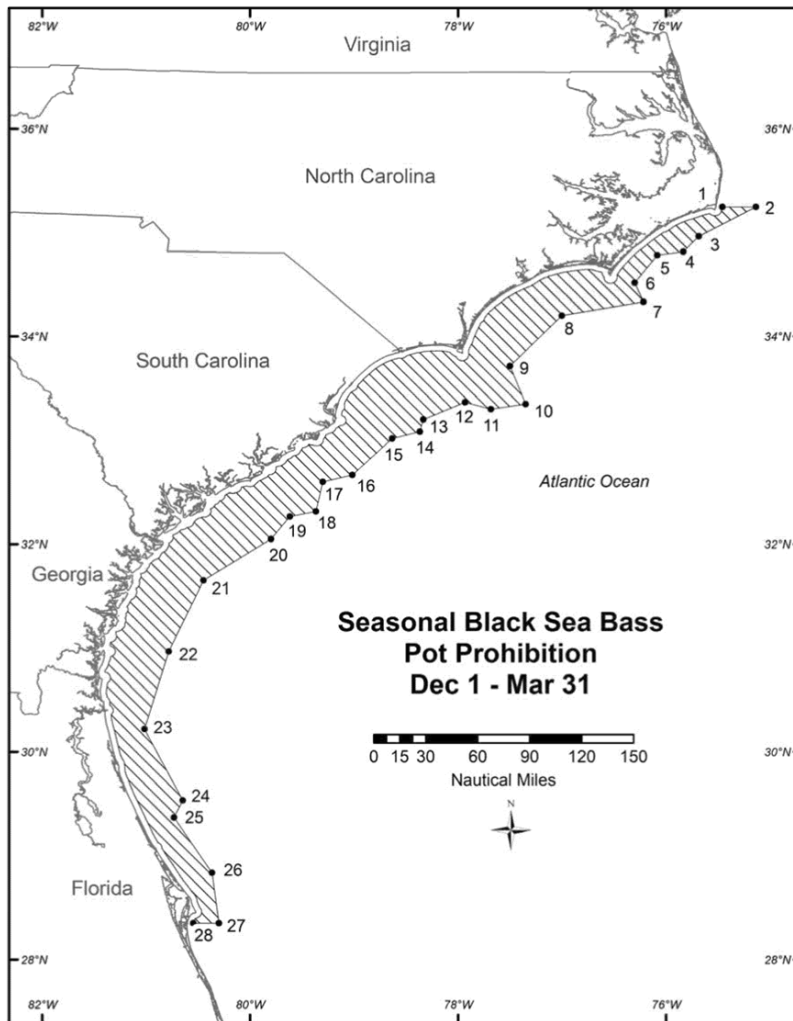
Action 1. Re-open nearshore seasonal closed areas to on-demand black sea bass pots

Alternative 1. No Action.

- From **November 1 through November 30** and from **April 1 through April 30**, no person may harvest or possess black sea bass in or from the closed area within the South Atlantic EEZ either with sea bass pots or from a vessel with sea bass pots on board.



- From **December 1 through March 31**, no person may harvest or possess black sea bass in or from the closed area within the South Atlantic EEZ either with sea bass pots or from a vessel with sea bass pots on board.



Alternative 2. Remove the seasonal prohibition on harvest and possession of black sea bass in nearshore areas for **black sea bass pots equipped with on-demand retrieval systems**.

Sub-alternative 2a. Annually from November 1 through November 30 and from April 1 through April 30.

Sub-alternative 2b. Annually from December 1 through March 31

Other Alternatives?

Discussion: On-demand types of fishing gear differ from roped gear by storing buoys and their retrieval devices at depth, only being deployed into the water column when fishermen are present to retrieve the gear. Adaptation of on-demand gear for this style of pot fishing would lower the probability of negative interactions with whales and other marine animals that suffer

entanglements. Exempted fishing permits (EFP) have allowed experimental use of this gear and exemption from time, area, and other sea bass pot requirements.

COMMITTEE ACTION: Revise action and alternatives as needed to provide an adequate range for analyses.

Action 2. Modify the commercial trip limit for black sea bass pots?

Alternative 1. No Action. The trip limit for the commercial black sea bass pot component is 1,000 lbs gutted weight (1,180 whole weight).

Alternative 2. Reduce the trip limit for the commercial black sea bass pot component to XXX gw

Alternative 3. Reduce the trip limit for the commercial black sea bass pot component to XXX gw

Discussion: Implementation of Regulatory Amendment 37 (under review) will limit commercial harvest of black sea bass to an annual catch target of 48,557 pounds whole weight **for the hook-and-line and pot components**. The current annual catch limit for the commercial sector is 276,490 lbs whole weight.

COMMITTEE ACTION: Consider whether to include this action.

Draft Purpose and Need Statements

Purpose: The purpose of this framework amendment is to re-open nearshore seasonal closed areas to harvest of black sea bass using pots equipped with on-demand retrieval systems and to reduce the commercial trip limit for black sea bass pots to maintain harvest at or below the commercial annual catch target.

Need: The need of this framework amendment is to allow increased access to the black sea bass resource to commercial fishermen using black sea bass pots equipped with on-demand retrieval systems while lowering the probability of negative interactions with marine mammals and minimizing negative social and economic effects to the extent practicable.

COMMITTEE ACTION

- Discuss the draft purpose and need statements, including whether the statements are reflective of the Council's intent for this amendment.

Tentative Timeline

- June 2026 Select action(s) and range of alternatives to analyze
- September 2026 Consider approving for public hearings
- Fall 2026 Public hearings
- December 2026 Consider approving for formal review