



## Content and Status of Amendments and Projects

March 2021 Council Meeting

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### Snapper Grouper

Recently Submitted or Implemented:

*Regulatory Amendment 34 (SMZs in North and South Carolina) Staff Lead: Myra Brouwer*

The process to designate SMZs around artificial reefs was established in the Snapper Grouper FMP in 1983 with the main intent being to “*create incentive to create artificial reefs and fish attraction devices that will increase biological production and/or create fishing opportunities that would not otherwise exist*”.

In March 2019, the North Carolina Division of Marine Fisheries and the South Carolina Marine Resources Division submitted requests to the Council to designate artificial reefs located in the EEZ off those states as Special Management Zones. The NCDMF requested designation of 30 artificial reef sites in the EEZ off North Carolina. Fishing gear other than handline, rod and reel, and spear would be prohibited within the proposed SMZs. Further, harvest of snapper grouper species with spearfishing gear would be limited to the recreational bag limit for those species.

In South Carolina, 29 artificial reef sites in the EEZ have already been designated as SMZs. Four additional artificial reef sites have been established in recent years and the SCMRD has requested the sites be designated as SMZs with the same restrictions on fishing gear as other SMZs, namely limiting angling activities to handheld hook and line gear and spearfishing gear (excluding powerheads). In addition, the use of fish traps, longlines, gill nets, and trawls would be prohibited, and harvest of snapper grouper species would be limited to the applicable recreational bag limits.

In June 2019 the Council directed staff to begin development of an amendment, with the intent to hold public hearings in the fall and consider the amendment for final approval in December 2019. At the September 2019 meeting, the Council revised the timeline for developing this amendment. Public scoping was held during fall 2019 and the Council reviewed public input and provided guidance to staff at the March 2020 meeting. The Council approved the amendment for public hearings that were held on May 4 and 5, 2020. At the June 2020 meeting the Council approved the amendment for formal review.

The amendment was submitted to NMFS on August 11, 2020. A proposed rule for this amendment was published on November 16, 2020 with a comment period through December 16, 2020.

Under Development:

*Amendment 48 (Wreckfish ITQ Program Modernization) Staff Lead: Christina Wiegand*

The Council finished its second review of the Wreckfish ITQ program in September of 2019. As part of the review there were several recommendations made to modernize the program. This amendment begins development in September 2020 and will review the ITQ goals and objectives, and actions from the 2019 review such as electronic reporting, changes to allowable landing procedures, cost recovery, etc. In addition, the Council will consider adopting updated goals and objectives for the entire Snapper Grouper FMP as part of this amendment.

At the September 2020 Council meeting the Council directed staff to hold a meeting with the Wreckfish shareholders and wholesale dealers to discuss the potential actions for the amendments and timing for the amendment ahead of the December 2020 meeting. A meeting of the Wreckfish shareholders and wholesale dealers was held via webinar on October 26, 2020. At their December 2020 meeting the Council reviewed input from the shareholders and dealers, provided guidance to staff on actions and alternatives to develop, and approved the amendment for scoping at the March 2021 meeting.

*Amendment 50 (Red Porgy Rebuilding and Allocations) Staff Lead: Myra Brouwer*

The Council received a report of the results of SEDAR 60 for Red Porgy at their June 2020 meeting. Red Porgy are overfished and overfishing is occurring and the stock is not making adequate progress towards rebuilding. The Council also received an ABC recommendation from the SSC in June 2020 and directed staff to begin development of an amendment. The Council is required to establish a rebuilding plan for Red Porgy no later than June 12, 2022. In September 2020, the Council reviewed an options paper to address catch levels, rebuilding, management measures, and sector allocations. At the December meeting, the Council reviewed preliminary analyses, recommendations on management measures from the Snapper Grouper AP, and approved the amendment for scoping. Scoping hearings were held February 3 and 4, 2021.

*Amendment 49 (Greater Amberjack Assessment/Allocations) Staff Lead: Mike Schmidtke*

In June 2020 the Council received the results of SEDAR 59 for Greater Amberjack. Greater Amberjack were determined to be neither overfished nor was overfishing occurring. This amendment will consider modifications to the annual catch limit, optimum yield, and sector allocations.

The Council reviewed an options paper at the December 2020 meeting and provided guidance to the IPT for further document development. The IPT is preparing an updated options paper to be considered by the Council for scoping in March 2021.

Planned or Postponed:

*Amendment 46 (Recreational Permits and Reporting) Staff Lead: TBD*

Once begun this amendment will investigate requiring a permit for anglers to participate in the recreational snapper grouper fishery and whether there will be or what type of trip reporting requirements would be required for anglers to participate in the snapper grouper fishery. The Council discussed the amendment during their November 9, 2020 webinar and opted to suspend work on the amendment. The Council directed staff to convene a workgroup to include state and MRIP representatives, and Council staff to explore approaches for a private recreational permit and reporting requirements in the South Atlantic region. The workgroup is scheduled to meet on February 17, 2021.

*Evaluation for the Need of Continued Management for 9 Snapper Grouper Species Staff Lead: Myra Brouwer & Mike Schmidtke*

In October 2019, the SSC recommended designation of 9 snapper grouper species as EC species. The proposed species for such designation are: Cubera Snapper, Margate, Silk Snapper, Coney, Saucereye Porgy, Yellowfin Grouper, Misty Grouper, Blackfin Snapper, and Yellowedge Grouper. At the December 2019 meeting, the Council requested that a white paper be developed for the June 2020 meeting. Due to disruptions caused by the pandemic, work on this amendment was suspended. The Snapper Grouper Advisory Panel received a presentation on this topic at their November 4-6, 2020 meeting. Council staff demonstrate an online tool developed to facilitate evaluating whether the 9 species are in need of conservation and management at the federal level. The Council received the AP's recommendations at its December 2020 meeting and directed staff to include an action in a future amendment to the Snapper Grouper FMP (possibly the amendment addressing unassessed species' ABCs) to address this topic but excluding Margate, Yellowedge Grouper, Yellowfin Grouper, Silk Snapper, and Cubera Snapper. In addition, the Committee directed staff to work with the SEFSC on a possible approach for data-poor species to set a single ACL with an assessed indicator species.

*Red Snapper Assessment/Allocations Staff Lead: John Hadley*

The Council is expected to receive the results of SEDAR for Red Snapper in June 2021. This amendment will consider modifications to management measures and sector allocations.

*Yellowtail Snapper Assessment/Allocations Staff Lead: TBD*

The Council received the results of SEDAR 64 for Yellowtail Snapper in December 2020 and received the SSC's recommendations for an ABC. The Council directed staff to initiate an amendment to set a new ACL for yellowtail snapper in the South Atlantic. In addition, the leadership of the South Atlantic and Gulf SSCs are to develop an approach for how address ABCs for species that cross jurisdictional boundaries and are consequently managed under two different ABC control rules (such as yellowtail and mutton snappers). The Council requested that this group also address how to deal with the differences between the two modeling approaches: Stock Synthesis and the Beaufort Assessment Model (BAM) when applying the ABC control rules. This amendment will likely also consider modifications to sector allocations and management measures.

*Snowy Grouper Assessment/Allocations Staff Lead: TBD*

The Council will receive the results of SEDAR 36 (Update) for Snowy Grouper in March 2021. This amendment will consider catch level adjustments in response to the stock assessment and possible modifications to management measures and sector allocations.

*Golden Tilefish Assessment/Allocations Staff Lead: TBD*

The Council is expected to receive the results of SEDAR 66 for golden Tilefish in June 2021. This amendment will consider modifications to management measures and sector allocations.

*Unassessed Snapper Grouper Species ABCs/ACLs/Allocations Staff Lead: TBD*

*Almaco Jack White Paper Staff Lead: TBD*

Work has not yet begun on this white paper. The purpose of this paper is to determine the feasibility of removing Almaco Jack from the Jacks Complex.

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## Dolphin Wahoo

### Recently Submitted or Implemented

*Dolphin Wahoo Amendment 12 (bullet and frigate mackerel as ecosystem component species) Staff lead: John Hadley*

At the March 2019 meeting, the Council discussed a white paper on mechanisms and regulatory parameters for adding ecosystem component (EC) species to a FMP, ways that other Councils have addressed EC species in FMPs, as well as background information on fisheries for bullet mackerel and frigate mackerel. The Council voted to send the topic of adding bullet and frigate mackerel to the Dolphin Wahoo FMP as EC species out for scoping in the spring of 2019. At the June 2019 meeting, the Council reviewed the scoping comments received and directed staff to start work on Amendment 12 that would add bullet and frigate mackerel to the Dolphin Wahoo FMP as EC species. The Council reviewed an options paper for this amendment at the September 2019 meeting and requested guidance from NMFS on parameters regarding the Council's ability to add EC species to an FMP and implement regulatory measures. At the March 2020 meeting, the Council received the above noted guidance from NMFS and decided to move forward with a single action that would add the two mackerel species to the Dolphin Wahoo FMP as EC species. The Council reviewed Amendment 12 at their June 2020 meeting and approved it for public hearings which were held at their September 2020 meeting. At the September 2020 meeting the Council approved the amendment for formal review and the amendment was submitted to NMFS SERO on December 3, 2020. The amendment is currently in the process of being implemented.

### Under Development:

*Dolphin Wahoo Amendment 10 (dolphin and wahoo management measures) Staff lead: John Hadley*

In March 2016, the Council directed staff to begin development of a joint dolphin wahoo and snapper grouper amendment to examine different ways to allocate or share quota between the commercial and recreational sectors for dolphin and yellowtail snapper. In June 2016, the Council approved the amendment for scoping hearings, which were held in August 2016. Options included a common pool allocation, a reserve category, temporary or permanent shifts in allocation, combined annual catch limits, and creating gear allocations in the commercial dolphin fishery.

In December 2016, the Council considered approving the amendment, which was being developed jointly with Snapper Grouper Amendment 44 (see Snapper Grouper section above), for public hearings in early 2017. Instead, the Council directed staff to continue to develop Dolphin Wahoo Amendment 10 but separately from SG Am 44 and include an action to revise the ABC Control Rule to include a carry-over provision from one fishing year to the next. The Council also directed staff to develop actions that would eliminate the operator card requirement in the Dolphin Wahoo FMP, revised optimum yield, and allow properly permitted vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo. Consequently, the DW FMP actions were not approved for public hearings. In March 2017, the Council decided to stop work on the amendment until revised MRIP data were available.

At the December 2018 meeting, the Council directed staff to start work again on the amendment with the inclusion of additional items to allow bag limit sales of dolphin for dually permitted for-hire and commercial permit holders, modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with HMS requirements, reduce the recreational vessel limit for dolphin, revise ACLs to accommodate new MRIP data, and revise sector allocations. At the June 2019 meeting, the Council removed the action that would allow bag limit sales of dolphin, moved actions from the Recreational Accountability Modifications Amendment (Dolphin Wahoo Regulatory Amendment 2) to Amendment 10, and added an action that would allow filleting of dolphin at sea

onboard for-hire vessels in the waters north of the Virginia/North Carolina state border. The Council reviewed Amendment 10 at the December 2019 meeting and voted to postpone discussion on the amendment until the June 2020 meeting in expectation of new ABC levels from the Council's SSC for both dolphin and wahoo. The new ABC levels were provided at the June 2020 meeting and the Council reviewed the amendment, removing actions that would revise OY and ACTs for dolphin. The Council also moved actions that would modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with HMS requirements to a new amendment. At the September 2020 meeting, the Council further refined Amendment 10 and removed actions that would revise commercial accountability measures.

As of the December 2020 Council meeting, the actions in Amendment 10 would accommodate updated recreational data from the Marine Recreational Information Program by revising the annual catch limits and sector allocations for dolphin and wahoo. The amendment also contains actions that implement various other management changes in the fishery including revising recreational accountability measures, accommodating possession of dolphin and wahoo on vessels with certain unauthorized gears onboard, removing the operator card requirement, reducing the recreational vessel limit for dolphin, reducing the recreational vessel limit for wahoo, implementing a recreational vessel limit for wahoo, and allowing filleting of dolphin at sea onboard for-hire vessels north of the Virginia/North Carolina border.

In December 2020, the Council approved the purpose and need statements for the amendment and added an action that would revise the recreational vessel limits for wahoo. At this meeting, the Council also approved Amendment 10 for public hearings, which were held January 26, 27, and 28, 2021.

#### Planned or Postponed

##### *Pelagic Longlines in the Dolphin Fishery, Staff Lead: TBD*

At the September 2020 meeting, the Council moved, from Amendment 10, actions that would modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with HMS requirements to a new amendment. The Council also approved a motion to add a new alternative that would prohibit the use of pelagic longline gear in the dolphin wahoo fishery unless a vessel has the limited entry HMS permits that allow the use of this gear. The Council is scheduled to begin work on this amendment in September 2021.

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## **Golden Crab**

Recently Submitted or Implemented:

Under Development:

Planned or Postponed:

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## **Coral**

Recently Submitted or Implemented:

Under Development/Planned Postponed:

*Coral 10 (CHAPC Modifications) Staff Lead: Roger Pugliese*

In September 2019, the Council directed staff to remove actions related to coral habitat areas of particular concern (CHAPCs) from the joint amendment with Golden Crab Amendment 10 and Shrimp Amendment 11. This was to include one action to explore expanding CHAPCs based on recent mapping and remotely operated vehicle dives which found extensive coral habitat east of the Stetson Miami Terrace CHAPC and one action to revise the eastern boundary of the Oculina Bank CHAPC, which was expanded in Coral Amendment 8. The Council requested this item be put on the June 2020 agenda. However, due to Covid-19, it was delayed until a later Council meeting. During the September 2020 meeting, the Council recommended including a single action to consider establishing a shrimp fishery access area along the eastern boundary of the northern extension of the Oculina Bank CHAPC. An options paper was reviewed by the Habitat and Ecosystem, Coral and Deepwater Shrimp APs and comments were provided to the Council in December 2020. The Council approved the amendment for scoping in December 2020. Scoping meetings will be held via Webinar on February 8 and 9, 2021. During the March 2021 meeting, the Habitat and Ecosystem Committee and the Council will review scoping comments and consider approving Coral Amendment 10 for public hearings.

Planned or Postponed:

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## **Shrimp**

Recently Submitted or Implemented

Under Development:

Planned or Postponed:

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## **Mackerel Cobia**

Recently Submitted or Implemented:

Under Development:

*Framework Amendment 10 (King Mackerel Assessment and Allocations) Staff Lead: Christina Wiegand*

In June 2020 the Council received the results of SEDAR 38 Update for King Mackerel. King Mackerel were determined to be neither overfished nor was overfishing occurring. This amendment will consider modifications to management measures and sector allocations. A meeting of the Mackerel Cobia Advisory Panel was held via webinar on November 2, 2020. The AP reviewed the amendment and provided recommendations. At their December 2020 meeting the Council reviewed input from the AP and provided guidance to staff on actions and alternatives to develop. They also approved the amendment for scoping to be held during the March 2021 meeting.

Planned or Postponed:

*Framework Amendment 9 (Commercial Spanish mackerel AMs) Staff Lead: Christina Wiegand*

During the June 2019 meeting the Council reviewed concerns from the Mackerel Cobia Advisory Panel and directed staff to prepare a white paper with a thorough analysis of effort in the commercial Spanish mackerel fishery. The white paper also included discussion of possible avenues to control effort, including: a limited access commercial permit, a limited access gillnet endorsement in the southern zone, and collaboration with state agencies. Staff presented the results contained in the white paper during the September 2019 meeting. After reviewing the white paper, the Council directed staff to begin an amendment to address commercial Atlantic Spanish mackerel accountability measures and trip limits for the Northern Zone. The Council reviewed a draft public hearing document at the December 2019 that contained three actions (in-season AMs, post-season AMs, and trip limits). Robert Beal, Executive Director of the Atlantic States Marine Fisheries Commission (ASMFC), clarified that the ASMFC Interstate Fisheries Management Plan for Spanish Mackerel does not require states to close their waters to commercial harvest of Spanish mackerel when a federal closure occurs. Based on the information provided by ASMFC, the Committee determined that it was no longer necessary to immediately address Spanish mackerel accountability measures, but that a trip limit reduction in the Northern Zone would help to extend the commercial Spanish mackerel season in federal waters. The Council approved the inclusion of an action to reduce the commercial Spanish mackerel trip limit in the Northern Zone. The amendment was approved for public hearings which occurred in January 2020. At the March 2020 meeting staff noted that the analysis predicts the range of alternatives would only extend the commercial Spanish mackerel season in the Northern Zone by two to five days. In addition, North Carolina Division of Marine Fisheries (NC DMF) staff stated they intend to issue proclamations with new regulations for the commercial small mesh gill net fishery, including yardage limits and attendance requirements. Based on this information, the Council chose to discontinue work on this amendment until results from the upcoming stock assessment are available. The Spanish mackerel operational stock assessment is currently in the planning stage and is tentatively scheduled to begin in 2021. The Council plans to continue work on this amendment following receipt of the assessment findings in June 2022.

### *Mackerel Port Meetings Staff Lead: Christina Wiegand*

Mackerel port meetings were proposed as a way to get input from participants in the mackerel fishery similar to those that were completed for the snapper grouper fishery. The Council has not discussed details of how these port meetings would occur, where, or when.

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## **Spiny Lobster**

Recently Submitted or Implemented:

Under development:

*Spiny Lobster Regulatory Amendment 5 (commercial trip limit for vessels with an SG1 and LT permit off NC, SC, and GA) Staff lead: Christina Wiegand*

At the March 2019 meeting the Council passed a motion requesting options for vessels with a snapper grouper unlimited permit (SG1) and a spiny lobster tailing permit (LT) to be able to retain commercial quantities of spiny lobster (excluding federal waters off Florida). At the June 2019 meeting Council staff presented an options paper with information on current spiny lobster trip limits, permitting, and gear restrictions relevant to both spiny lobster and snapper grouper. The Council clarified that the intent of the amendment is to allow for an increased vessel limit for the diving component of the spiny lobster fishery only. Additionally, the vessel limit would only apply to federal waters off North Carolina, South Carolina, and Georgia. Currently, the daily possession limit is two spiny lobster per person. An increased vessel limit would allow dive fishermen with an SG1 and LT permit on their vessel to

supplement their snapper grouper trips with a commercial amount of spiny lobster. The Council will review draft a draft action and alternatives at a future meeting.

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## Generic Amendments

Recently Submitted or Implemented:

Under Development:

*Comprehensive ABC Control Rule Amendment Staff Co-Leads: Mike Schmidtke/Mike Errigo*

In December 2016, the Council directed staff to start work on a plan amendment that would modify the ABC Control Rule to address flexibility allowed under the MSA and revise how uncertainty and risk tolerance are addressed in setting ABCs. An options paper has been developed considering actions to 1) modify the ABC Control Rule, 2) specify an approach for determining the acceptable risk of overfishing, 3) specify an approach for determining the probability of rebuilding success for overfished stocks, 4) allow phase-in of ABC changes, and 5) allow carry-over of unused portions of the annual catch limit. An IPT was formed to develop actions and alternatives, and the SSC and Council have regularly reviewed progress and provided guidance during 2017 and 2018. Scoping was held in January 2019 and comments reviewed in March 2019. The Council discussed this amendment at its December 2020 meeting and provided guidance to staff. The SSC will review topics related to this amendment at their April 2021 meeting and provide recommendations to the Council. The Council is scheduled to review actions and alternatives language throughout 2021 and consider a draft amendment for public hearings in December 2021.

*Standardized Bycatch Reporting Methodology Staff lead: Mike Schmidtke*

Under 82 FR 6317, the Magnuson-Stevens Act (MSA) provides guidance on its requirement for federal FMPs to include a standardized bycatch reporting methodology (SBRM). The Final Rule also requires that SBRMs be reviewed and found in compliance by 2022: within 5 years of the effective date of 2017. Council FMPs already include SBRMs, so these are being reviewed by an IPT to determine whether they are in compliance with MSA requirements and if any actions are necessary to bring SBRMs into compliance.

A report reviewing all Council FMPs is expected to be reviewed by the SSC in April 2021. The SERO has indicated that the report and their findings will be presented to the Council in September 2021. At that time, SERO will inform the Council on the actions it needs to take to comply with the SBRM provisions, and the Council will consider the appropriate mechanisms to make those changes.

*Commercial Logbook Amendment Staff lead: TBD*

Currently, logbook reports from commercial fishermen are submitted on paper forms. Fishermen have asked that the Council consider actions to allow electronic reporting of the required logbook information. The Council supported SEFSC developing a voluntary electronic logbook reporting system and making it available to fishermen as a way of piloting the program prior to taking formal action.

The Council has received updates on the SEFSC effort at each Council meeting since 2013. As of April 2016, voluntary reports could be provided, in some instances, through the ACCSP SAFIS system and available to the SEFSC. The SEFSC has worked since then to revise and improve the system.

Planned or Postponed:



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## Other Work Items

### Recently Submitted or Implemented:

#### Under Development:

#### *Joint Recreational Working Group Section 102 Staff Lead: John Carmichael*

Workgroup convened by the South Atlantic and Gulf Councils to address recreational management flexibility as identified in Section 102 of the Modernizing Fish Act. It is comprised of members of the South Atlantic and Gulf Councils. Meetings were held in in May and September 2020 via webinar. In May, the workgroup reviewed the scope of work and background materials. In September, the workgroup reviewed a wide range of data and management topics. Next steps are to identify potential problems and stocks to address, clarify the level of flexibility available to the workgroup with other MSA provisions (especially regarding ACL and AMs), consider alternative metrics to monitor catch and fisheries, and develop specific recommendations. No meetings of the workgroup have yet been scheduled for 2021.

#### *Private Recreational Reporting Workgroup Staff Lead: John Carmichael*

During a special Council meeting devoted to recreational fishery issues, the Council created a working group to investigate the use of state managed permitting and reporting systems for improving catch estimates for private recreational fisheries. The workgroup will meet as needed in 2021 and report back to the Council at each Council meeting. Any recommendations from the group will be considered by the Council through the FMP amendment development process.

#### *Habitat & Ecosystem Blueprint Development Team Staff Lead: Myra Brouwer*

In December 2020, the Council directed staff to convene a development team comprised of Council members and staff to begin developing a plan to guide Council activities addressing habitat and ecosystem topics. The Council further directed that the blueprint be completed by December 2021. The team held a planning call on January 14 to review its charge and develop a plan of work and outline for the blueprint. Progress reports will be given at each Council meeting during 2021.

#### *Allocation Decision Tree Approach Staff Leads: Christina Wiegand/John Hadley/Mike Schmidtke*

Council was presented with a draft idea for allocation decision trees as an approach to develop a consistent process, applicable across all Council-managed species where there are sector allocations and aid in making sector allocation decisions. The Council gave staff direction to proceed with a timeline to present a blueprint for how this could work at the September 2021 meeting. The process will be reviewed by the SSC/SEP and APs to help develop the decision trees. The Council will receive progress updates at the December 2020, March 2021, and June 2021 meetings.

#### *South Atlantic Ecopath with Ecosim Model Application. Staff Lead: Chip Collier*

The SSC reviewed the SAFMC EwE model development in October 2020 and recommended that the model was ready for applying to specific questions of interest to the Council. In December 2020, the Council identified 4 potential questions to address with the model. Staff is working with FL FWC staff to provide a contract to support FWC leading the effort to apply the model to 2 of the Councils

questions. This will include holding workshops with the model development team and the SSC EwE working group, leading up to a presentation and review of findings at the October 2021 SSC meeting. Results and SSC recommendations will be provided to the Council in December 2021.

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