

DRAFT
SUMMARY REPORT
FULL COUNCIL I
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
September 2026

The Council met in open session the afternoon of Monday, September 14. The Council adopted the agenda and approved minutes from the June 2026 meeting. Some agenda items were discussed on Wednesday, September 16.

Litigation Update

- Exempted Fishing Permits (EFP) case:
 - On May 5, 2026, a commercial fishing industry group and multiple commercial fishing industry representatives filed a civil complaint in the U.S. District Court for the District of Columbia against the U.S. Secretary of Commerce and the National Marine Fisheries Service (NMFS). Plaintiffs challenged the issuance of EFPs to North Carolina, South Carolina, Georgia, and Florida. Those permits exempted anglers fishing off the respective states from specific federal regulations governing the recreational harvest of red snapper in the South Atlantic EEZ.
 - Plaintiffs moved for a preliminary injunction on May 10, 2026. The court held a hearing on May 20, 2026, and on May 21, 2026, the court prevented the EFP's from taking effect and ordered NMFS to notify the states immediately.
 - In June 2026, the states submitted letters to NOAA withdrawing their EFP requests and expressing their intent to submit new applications later this year, except NC who requested a federal season under the regulations. On June 26, 2026, NMFS sent letters to all four states rescinding the EFPs.
 - NMFS filed a motion to dismiss for lack of jurisdiction on August 10, 2026. Plaintiffs filed their opposition to dismissal on August 17, 2026. NMFS is awaiting a ruling from the court.
- Slash Creek Waterworks v. Lutnick (Red Snapper Overfishing Case):
 - Plaintiffs challenged the Amendment 43 temporary rule for red snapper in the South Atlantic, alleging that by excluding dead discards in the ACL, NMFS failed to establish an ACL that prevents overfishing, as required by the Magnuson-Stevens Act (MSA).
 - The district court sided with NMFS, holding that the MSA does not require an annual catch limit to include dead discards. Plaintiffs appealed this decision.
 - On August 25, 2026, NMFS received the appellate court's order affirming the district court's ruling. The appellate court agreed with the district court that the MSA does not require the inclusion of dead discards in setting the ACL.
 - Based on this ruling, these same Plaintiffs dismissed their case challenging red snapper Amendment 59 (the Secretarial Amendment) on September 11, 2026.

Reports

Representatives and staff provided various updates to the Council. Below is additional information on salient discussions.

Update on Executive Order (EO) 14276

The Council received a letter from Eugenio Pineiro Soler, Assistant Administrator for Fisheries, regarding the SAFMC's proposed approach to addressing Executive Order 14276: Restoring American Seafood Competitiveness. Andy Strelcheck offered additional clarification on how the Council and SERO could address some of the items in the letter:

- Shark depredation – NMFS has released a new [strategy](#) for addressing the issue focusing on understanding which species are doing the most depredation and their residence time in high depredation areas, etc. The Council could play a role through partnerships and outreach/education/citizen science to obtain information to support the agency's in-depth research.
- A priorities list was recently released by the agency, including:
 - The Biological Opinion being conducted for the shrimp fishery. The agency is also reviewing Turtle Excluder Device requirements and reconsidering exceptions based on vessel size to increase flexibility.
 - Continuing to coordinate with Councils on removing some species from federal management.
 - Conducting an in-depth review of fisheries finance program and fishery disaster relief with the aim of decreasing response time.
 - Improving data collection through greater use of electronic monitoring and advanced technologies.
 - Overall, SERO and the SEFSC are both working on addressing priorities that the Councils cannot address.
- A Council member requested that the agency inform the Council of its approach to implementing electronic monitoring in the South Atlantic Snapper Grouper fishery. Ideally, industry should be integrated into this plan. This was suggested as possible topic for the Snapper Grouper AP to discuss at their upcoming meeting.

Use of Discards in Management Presentation

At their March 2026 meeting, the Council requested the SEFSC provide information on how observer, logbook, and reporting programs are used to generate discard estimates for commercial and for-hire fisheries; how discard estimates are used in stock assessments and applied in projections; how approaches to quantify discards differ between South Atlantic and Gulf regions; and how other regions collect, analyze, and use discard data, in catch specification.

David Gloeckner, Fishery Statistics Division Director at SEFSC, presented findings related to management. A second presentation on how discards information is used in stock assessments will be delivered to the Council in December.

- A Council member asked for more information on the 3-day trip requirement for reef fish observer coverage, noting that in the South Atlantic, the snapper grouper fishery is becoming a "day boat" fishery.
- Council members agreed that how commercial discard information is being collected in the South Atlantic is clearly not working. The Council and NMFS should work to advance improvements in data collection of commercial discards.
- Clay Porch, SEFSC Director, noted the South Atlantic has more commercial fishing vessels than any other region and no industry-funded programs. Other regions rely on

data collection alternatives such as industry funded observer and electronic monitoring programs that reduce dependency on limited agency observers and discard logbooks.

SEFSC Report

The Council Chair asked that the agency report back in December on how the Spanish mackerel landings projections were conducted this year to inform the transfer of quota from the southern zone to the northern zone. The transfer was intended to prevent a closure of the fishery in the northern zone, yet landings reached the ACL in August and the fishery was closed in the northern zone. Council staff noted they have heard concerns from fishermen on this issue and that it is a proposed agenda item for the Mackerel Cobia AP this fall. Additionally, Council members requested clarification from the SEFSC on how quota monitoring for Spanish mackerel works when fish are landed north of the South Atlantic states. Dave Gloeckner replied that dealers north of NC are also required to report weekly. The only difference is that dealers without a federal permit do not report as frequently as the federally permitted dealers.

Resilient Fisheries Initiative Updates

In 2024, the Council received funding for its Resilient Fisheries Initiative, which supports projects and collaborative workshops addressing management challenges driven by ecosystem change. Lara Klibansky, SAFMC contractor, updated the Council on the Initiative's four projects, summarized guidance from the Council's Ecosystem Data Workshop, reviewed East Coast Governance collaboration efforts, and outcomes from the 2026 Staff-to-Staff Workshop. The Council spent time discussing the 2027 Governance Workshop and provided feedback to shape the Workshop's focus:

- Process improvement items, especially streamlined workflows and clearer documentation, were of most interest, as well as use of targeted joint groups or subcommittees.
- Concern was expressed on the topic of greater consistency on how committees are used because the Gulf Council has not been a participant in this discussion. This has been brought up with the Steering Committee and will continue to be kept as a necessary consideration for the South Atlantic Council as the governance discussions continue.

Atlantic Large Whale Take Reduction Plan Scoping Presentation

The Council received a presentation on proposed modifications to the Atlantic Large Whale Take Reduction Plan (ALWTRP). The agency is seeking ideas and suggestions regarding any amendments to the ALWTRP. Comments from the scoping period will inform discussions during the 2026 and 2027 Atlantic Large Whale Take Reduction Team meetings, and National Environmental Policy Act (NEPA) analysis of a 2028 ALWTRP amendment.

Council members will provide bullets to staff to write a comment letter and submit by the October 16 deadline.

Highly Migratory Species Division's Proposed Revisions to Fishing Gear Regulations

NOAA Fisheries recently released a proposed rule on potential revisions to Atlantic highly migratory species (HMS) fishing gear regulations. The proposed rule, related documents, and information about public webinars are available [here](#). The comment period ends on October 13, 2026. HMS staff delivered a presentation to the Council highlighting the proposed changes. The Council provided the following direction and comments:

- The Council indicated wanting to develop and submit a comment letter on the proposed rule.
- The proposed changes to bait collection gear requirements and use of speargun gear were well received among Council members.
- There was general support for the proposed changes to buoy gear requirements, as it would provide additional opportunities to harvest swordfish and additional swordfish for seafood markets.
 - It was also noted that the swordfish quotas have recently gone notably underharvested.
 - Some concern was noted related to the proposed changes to buoy gear regulations and how it may cause some gear interaction issues.
 - It was also noted that it would be preferable if sandbar sharks caught on buoy gear could be harvested.
- Council members noted there will need to be education and outreach to make sure fishermen understand the difference between the buoy gear regulations currently in place in the South Atlantic and the proposed HMS changes.

The following agenda items were discussed on Wednesday, September 16:

Updates on the Committee on Fisheries (COFI) meeting and HMS Advisory Panel

The Committee on Fisheries (COFI) held its 37th session from September 7 to 11, 2026, at the Food and Agriculture Organization (FAO) headquarters in Rome, Italy. Councils rotate in sending a representative to COFI every two years. Kerry Marhefka attended the meeting and briefed the Council on salient discussions.

- The countries represented at COFI agreed that it should be the body to coordinate on issues such as The High Seas Treaty and illegal, unreported, and unregulated (IUU) fishing. The latter encompasses global fishing practices that violate local, national, or international laws and threaten marine ecosystems. The High Seas Treaty, also known as the BBNJ Agreement, is binding international instrument under the United Nations Convention on the Law of the Sea (UNCLOS) designed to conserve and sustainably use marine biodiversity in areas beyond national jurisdiction.
- BBNJ would be relevant to dolphin, as it is unclear who has the authority to manage this species in international waters.
- An international agreement on IUU fishing was an important topic of discussion.
- Developing countries are getting quite a bit of support to manage their “small scale” fisheries. By all standards, the U.S. South Atlantic fisheries would be considered small scale and data poor.
- Last year was the first time that aquaculture production surpassed wild caught fisheries production.
- Continuing to send a representative to COFI is useful. There is valuable exchange information that can affect U.S. fisheries.

The HMS AP was convened in Silver Spring, MD, on September 9-10, 2026. Tom Roller attended the meeting and briefed the Council on salient topics.

- The AP received information on the new pelagic longline access areas on the Charleston Bump and East Florida. Catches in these areas were in line with the rest of the South Atlantic area and there were benefits to the fishermen.

- All new ICCAT quotas are implemented.
- Exports have been decreasing and the bluefin fishery is now a domestic fishery.
- The AP had extensive discussion about imports and received an extensive economic presentation
- There are fewer tournaments for HMS species but more participants in each tournament.
- Ongoing funding issues are causing reduction in USCG enforcement efforts
- An MSE for sandbar sharks is underway. The intent is to eventually include other shark species to better understand depredation.

Management of Cownose Rays

The Florida Fish and Wildlife Commission (FWC) is considering regulations for the harvest of cownose rays because this species is currently unregulated. Recreational harvest falls under Florida's default bag limit of 2 per person or 100 lbs; however, there are currently no commercial harvest limits. Establishing specific regulations would create conservation measures for the benefit of this late-maturing species that has very low capacity for population growth due to their life-history characteristics. FWC has recently learned about unreported and illegal harvest, and the commercial fishery is larger than previously understood, in part because some dealers have been unintentionally reporting under the wrong trip ticket codes.

FWC is currently developing recreational and commercial management measures for cownose rays and is working with stakeholders to establish appropriate commercial vessel limits. These rays have high site fidelity to bays in Florida, but they routinely travel into federal waters. For the greatest conservation benefit, Florida's regulations should apply consistently across state and federal waters off Florida.

FWC staff brought proposed regulations before the Commission in August, but the Commission directed staff to re-examine the proposed commercial regs.

Mackerel Cobia AP agenda topics

The Council reviewed and approved a list of topics to include in the APs agenda for the November 2026 meeting. The Council approved the following motion:

MOTION: REQUEST THAT SOUTHEAST FISHERIES SCIENCE CENTER STAFF PROVIDE A PRESENTATION TO THE MACKEREL COBIA ADVISORY PANEL AT THEIR NOVEMBER 2026 MEETING AND TO THE COUNCIL AT THEIR MARCH 2027 MEETING ON HOW IN-SEASON CATCH MONITORING OCCURS FOR COMMERCIAL ATLANTIC SPANISH MACKEREL.
APPROVED BY COUNCIL

Timing and Tasks

DRAFT MOTION: DIRECT STAFF TO DO THE FOLLOWING:

- PREPARE COMMENT LETTER ON PROPOSED MODIFICATIONS TO THE ATLANTIC LARGE WHALE TAKE REDUCTION PLAN AND SUBMIT BY OCTOBER 16.
- PREPARE A COMMENT LETTER ON PROPOSED REVISIONS TO FISHING GEAR REGULATIONS AND SUBMIT BY OCTOBER 13.

- REQUEST A PRESENTATION FROM THE SEFSC ON THE IN-SEASON CATCH ESTIMATION PROCESS FOR ATLANTIC SPANISH MACKEREL TO BE GIVEN TO THE MACKEREL COBIA AP IN NOVEMBER 2026 AND TO THE COUNCIL IN MARCH 2027.
- PREPARE A LETTER INDICATING THAT THE COUNCIL HAS NO INTENT TO MANAGE COWNOSE RAYS IN FEDERAL WATERS AND SUBMIT IT TO THE FWC BEFORE THE DECEMBER 2026 COUNCIL MEETING.