

# Regulatory Amendment 34 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

*(Special Management Zones off North and  
South Carolina)*

## Decision Document

### Background

In March 2019, the Council received requests from the North Carolina Division of Marine Fisheries (NCDMF) and the South Carolina Marine Resources Division (SCMRD) to extend Special Management Zone (SMZ) designation to 30 and four permitted artificial reef sites in the exclusive economic zone (EEZ) off each state, respectively. The Snapper Grouper FMP (SAFMC 1983) established a framework for designating SMZs. The stated intent of a SMZ is to *provide incentive to create artificial reefs and fish attraction devices that will increase biological production and or/create fishing opportunities that would not otherwise exist.*

The NCDMF requested that fishing gear other than handline, rod and reel, and spear be prohibited within the proposed SMZs. Further, the state requested that harvest of snapper grouper species with spearfishing gear be limited to the recreational bag limit for those species. There are currently no artificial reefs in the EEZ off North Carolina that have been designated as SMZs.

Twenty-eight artificial reef sites in the EEZ off South Carolina have been designated as SMZs. Four additional artificial reef sites were established in recent years and the SCMRD requested the sites be designated as SMZs with the same restrictions on fishing gear as existing SMZs, namely limiting angling activities to handheld hook and line gear and spearfishing gear and limiting harvest of snapper grouper species to the applicable recreational bag limits.

## Actions in this amendment

1. Establish 30 Special Management Zones in the Exclusive Economic Zone off North Carolina
2. Establish four Special Management Zones in the Exclusive Economic Zone off South Carolina

## Objectives for this meeting

- Review public scoping comments and AP comments
- Review, modify, and approve the Purpose and Need
- Review, modify, and approve actions and alternatives and select preferred alternatives, as appropriate
- Consider recommending approval for public hearings

## Expected amendment timing

Process Steps		Dates
✓	Guidance to begin amendment	March 2019
✓	Guidance to conduct scoping	September 2019
✓	Scoping hearings held	October 2019
	Review scoping comments, modify as needed, select preferred alternatives, and consider approval for public hearings	March 2020
	Public hearings held	Spring 2020
	Review public hearing comments, modify as needed, and consider approving for formal review	June 2020

## Purpose and Need Statement

### September 2019:

**Purpose:** Eliminate the use of efficient gear (powerheads, bandit gear, pots, longlines) to harvest snapper grouper species at all artificial reef sites in the exclusive economic zone off North Carolina (south of Cape Hatteras) and South Carolina by designating the sites as special management zones. Restrict allowable harvest of snapper grouper species by spear at artificial reef sites off North Carolina and restrict all harvest of snapper grouper species to the recreational bag limit at artificial reef sites off South Carolina.

**Need:** Reduce the adverse effects to snapper grouper species and habitat by efficient gear and increase fishing opportunities to meet the original intent of artificial reef sites.

### Proposed modifications:

**Purpose:** Designate artificial reefs sites in the exclusive economic zone off North Carolina and South Carolina as special management zones and restrict fishing gear use within the areas.

**Need:** Reduce adverse effects to snapper grouper species and increase fishing opportunities at the artificial reef sites.

### **Committee Action**

- REVIEW PURPOSE AND NEED STATEMENTS, MODIFY AS NEEDED, AND APPROVE
- OTHERS?

## Actions and Alternatives

### Action 1. Establish 30 Special Management Zones in the Exclusive Economic Zone off North Carolina

#### Proposed modification: Action 1. Designate artificial reefs in the exclusive economic zone off North Carolina as special management zones

**Alternative 1 (No Action).** There are currently no special management zones in the exclusive economic zone off North Carolina at permitted artificial reef sites. Do not establish new special management zones in the exclusive economic zone off North Carolina at permitted artificial reef sites. There are currently no artificial reef sites in the exclusive economic zone off North Carolina designated as special management zones. The allowable gear for the snapper grouper fishery management plan for the commercial and recreational sectors are handline, rod and reel, spear, bandit gear, powerhead, pot, and longline (the last two are commercial sector only). Do not implement new restrictions on fishing gear used to harvest snapper grouper species ~~on designated from~~ artificial reefs in ~~federal waters~~ the exclusive economic zone off North Carolina.

**NEW Alternative 2.** Designate 30 artificial reef sites in the exclusive economic zone off North Carolina as special management zones. Within the special management zones, harvest of snapper grouper species would only be allowed with handline, rod and reel, and spear. All harvest would be limited to the applicable recreational bag limit.

**Alternative 2 3.** ~~Establish 30 special management zones at state permitted artificial reef sites in the exclusive economic zone off North Carolina.~~ Designate 30 artificial reef sites in the exclusive economic zone off North Carolina as special management zones. Within the special management zones, harvest of snapper grouper species would **only** be allowed with handline, rod and reel, and spear. All harvest by spear would be limited to the applicable recreational bag limit.

### Discussion:

#### *Biological Effects*

**Alternative 2** and **Alternative 3** are expected to impart biological benefits to snapper grouper stocks relative to **Alternative 1 (No Action)** since they would prohibit use of fishing gear with a high potential to adversely affect resident communities of snapper grouper species. Of these, **Alternative 2** is more restrictive than **Alternative 3**; hence, it would impart the greatest biological benefits of the alternatives considered.

Spearfishing has the potential to disproportionately remove large individuals from an area. Among fish species that change sex (e.g., grouper and hogfish), this practice can lead to alterations in sex ratio and social structure, possibly affecting the reproductive potential of a population. **Alternative 3**, ensures that such disproportionate removal is less likely, thus imparting biological benefits to snapper grouper species relative to **Alternative 1 (No Action)**.

As a highly selective type of gear, spearfishing can also result in less bycatch, thus imparting some biological benefits to the resource.

Artificial reefs constitute Essential Fish Habitat (EFH) and EFH-Habitat Areas of Particular Concern (HAPC). The protection of these habitats from gear impacts and excessive harvest by highly efficient gear types, as proposed under **Alternative 2** and **Alternative 3**, would promote conservation and enhance protection of EFH and EFH-HAPCs in the EEZ off North Carolina.

### *Economic Effects*

Under **Alternative 1 (No Action)**, in the short-term, commercial vessels would have the opportunity to generate the highest landings and thus the highest commercial fishing revenues from these sites among the alternatives considered. There may be long-term costs imposed if harvesting commercial quantities of snapper grouper species leads to localized depletion of these species.

**Alternative 2** may lead to reduced commercial revenue generated from the sites or could potentially result in increased trip costs if vessels have to travel further to areas where other commercial gear could be used for snapper grouper species or these species could be harvested in commercial quantities. If snapper grouper species are locally available for harvest in higher quantities due to the limitation on gear and harvest restrictions, then recreational landings from the site may increase leading to higher overall CS generated from the sites.

**Alternative 3** would have similar economic effects as **Alternative 2** but is less restrictive for the commercial sector.

**Alternative 2** would be the most restrictive and thus have the highest potential costs for the commercial sector and highest potential benefits for the recreational sector followed by **Alternative 3**, and **Alternative 1 (No Action)**.

### *Social Effects*

The social effects of establishing SMZs in North Carolina would be associated with any biological benefits and subsequent changes in access to the resource. **Alternative 2** is more restrictive than **Alternative 3**; thus, it would result in greatest short-term negative social effects and the greatest long-term positive social effects to coastal communities.

Designating artificial reefs as SMZs, would require compliance and enforcement to be effective. If these are lacking, the SMZs may not generate the expected biological benefits, which would negatively affect fishermen and communities.

### *Administrative Effects*

**Alternative 1 (No Action)** would not change the administrative environment from its current condition. **Alternatives 2** and **3** would likely have adverse administrative effects if law enforcement conducted at-sea enforcement of the regulations at the proposed SMZs. The adverse administrative effects of **Alternative 3** would likely be greater than **Alternative 2** since **Alternative 2** would limit all harvest to the recreational bag limit, not just harvest by one gear type.

## **IPT Recommendations/Comments:**

- The resolution of available data will not be able to inform as to the levels of fishing at the artificial reef sites. However, the document should include as much information as possible to characterize each site (e.g., material placed in each site, depth, etc.).
- The IPT determined that detailed information will be needed for the sites. Suggestion to add artificial reef guides from states or include a link to online resources.
- The IPT did not think there had to be specific alternatives for each site if the record supports that there are only 2 reasonable alternatives to the status quo off NC and SC. The purpose is to specify SMZs for all artificial reef sites in federal waters.
- The IPT recommends adding an alternative under each action that would bring consistency to what is being considered in terms of harvest restrictions (i.e., restrict all harvest to the recreational bag limit and restrict harvest by spear to the recreational bag limit).
- The IPT suggests using “evaluation team” instead of “monitoring team.” The IPT discussed the monitoring team and it was suggested by an IPT member that the SMP workgroup could serve as the evaluation team.

## **Snapper Grouper Advisory Panel (AP) Comments and Recommendations:**

The Snapper Grouper AP discussed this amendment at their October 2019 meeting and had the following comments:

- One AP member from North Carolina stated an opinion that during the past few years, research and fisheries enhancement programs have become mostly funded by the NC recreational fishing license due to state budget cuts. He stated that in fairness the artificial reefs should then favor recreational angling by restricting very efficient commercial gear.
- One AP member from North Carolina explained how the artificial reefs were founded upon private funding by recreational fishing organizations, and how the NC Department of Marine Fisheries came to own and assume management of the artificial reefs.
- One AP member from North Carolina stated that the proposed gear restrictions would likely not directly affect commercial fishermen in the southern portion of North Carolina as the proposed sites (except two of them) are close to shore.
- One AP member inquired as to how enforcement would address a situation in which a commercial vessel (e.g., with bandit gear) stopped to fish an artificial reef with rod and reel during a commercial trip.
- The AP inquired as to whether there would be buffer zones specified around the reefs as part of the SMZ designation.
- One AP member from Florida pointed out that North Carolina does not have a Joint Enforcement Agreement with NOAA Fisheries like the rest of the South Atlantic states.
- Suggest including definition of various types of gear in the document.

**MOTION #2:** WITH RESPECT TO ACTION 1, REQUEST THAT THE COUNCIL DESIGNATE THE 30 ARTIFICIAL REEFS WITHIN THE EEZ OFF NC AS SMZs. RESTRICT LEGAL GEAR (COMMERCIAL AND RECREATIONAL) TO HANDLINE, ROD AND REEL AND SPEARFISHING AND LIMIT SPEARFISHING HARVEST TO THE RECREATIONAL BAG LIMIT.  
APPROVED BY AP (11 IN FAVOR, 3 ABSTENTIONS)

## **Public Comments:**

### **Summary of attendance and number of comments:**

- Three comments were received online (as of 11/1/2019). Comments available [HERE](#).
- Scoping hearings were held over three days, October 28-30, 2019 with three listening stations in Manteo, Morehead City, and Wilmington, North Carolina.
- Six members of the public (non-Council or other agency staff) attended the listening stations.
- A total of four comments were provided during webinar/listening stations.
- Six members of the public (non-Council or other agency staff) attended the webinars.

### **Summary of comments:**

- One commenter had no objection to the designation and thought it would be useful.
- Artificial reefs off North Carolina were built with recreational funding (Coastal Recreational Fishing License) and it would be helpful to that sector to limit commercial gear on the artificial reefs.
- One commenter maintained the artificial reefs are owned by the federal government and the law (National Fishery Enhancement Act of 1984) requires that the reefs facilitate utilization of the artificial reefs by both commercial and recreational fishermen.
- One commercial fisherman stated that he does not utilize any artificial reefs so the designation would not affect him.

## **Committee Action:**

- CONSIDER PUBLIC AND AP COMMENTS
- MAKE MODIFICATIONS TO ACTION/ALTERNATIVES AS APPROPRIATE
- SELECT PREFERRED ALTERNATIVE
- OTHERS?

## Action 2. Establish four Special Management Zones in the Exclusive Economic Zone off South Carolina

### Proposed modification: Action 2. Designate additional artificial reefs in the exclusive economic zone off South Carolina as special management zones

**Alternative 1 (No Action).** There are currently 28 artificial reefs sites in the exclusive economic zone off South Carolina designated as special management zones at permitted artificial reef sites in the exclusive economic zone off South Carolina. Do not establish additional special management zones in the exclusive economic zone off South Carolina at permitted artificial reef sites. The allowable gear for the snapper grouper fishery management plan for the commercial and recreational sectors are handline, rod and reel, spear, bandit gear, pot, and longline (the last two are commercial sector only). Do not implement new restrictions on fishing gear used to harvest snapper grouper species on designated from artificial reefs in federal waters the exclusive economic zone off South Carolina.

**Preferred Alternative 2.** Establish four additional special management zones at permitted artificial reef sites in the exclusive economic zone off South Carolina. Designate four additional artificial reefs in the exclusive economic zone off South Carolina as special management zones. Within the special management zones, harvest of snapper grouper species would only be allowed with handline, rod and reel, and spear. All harvest would be limited to the applicable recreational bag limit.

**NEW Alternative 3.** Designate four additional artificial reef sites in the exclusive economic zone off South Carolina as special management zones. Within the special management zones, harvest of snapper grouper species would only be allowed with handline, rod and reel, and spear. All harvest by spear would be limited to the applicable recreational bag limit.

## Discussion:

### *Biological Effects*

**Preferred Alternative 2** and **Alternative 3** are expected to impart biological benefits to snapper grouper stocks relative to **Alternative 1 (No Action)** since they would prohibit use of fishing gear with a high potential to adversely affect resident communities of snapper grouper species. Of these, **Preferred Alternative 2** is more restrictive than **Alternative 3**; hence, it would impart the greatest biological benefits of the alternatives considered.

Spearfishing has the potential to disproportionately remove large individuals from an area. Among fish species that change sex (e.g., grouper and hogfish), this practice can lead to alterations in sex ratio and social structure, possibly affecting the reproductive potential of a population. **Alternative 3**, ensures that such disproportionate removal is less likely, thus imparting biological benefits to snapper grouper species relative to **Alternative 1 (No Action)**. As a highly selective type of gear, spearfishing can also result in less bycatch, thus imparting some biological benefits to the resource.



Artificial reefs constitute Essential Fish Habitat (EFH) and EFH-Habitat Areas of Particular Concern (HAPC). The protection of these habitats from gear impacts and excessive harvest by highly efficient gear types, as proposed under **Preferred Alternative 2** and **Alternative 3**, would promote conservation and enhance protection of EFH and EFH-HAPCs in the EEZ off North Carolina.

### *Economic Effects*

Under **Alternative 1 (No Action)**, in the short-term, commercial vessels would have the opportunity to generate the highest landings and thus the highest commercial fishing revenues from these sites among the alternatives considered. There may be long-term costs imposed if harvesting commercial quantities of snapper grouper species leads to localized depletion of these species.

**Preferred Alternative 2** may lead to reduced commercial revenue generated from the sites or could potentially result in increased trip costs if vessels have to travel further to areas where other commercial gear could be used for snapper grouper species or these species could be harvested in commercial quantities. If snapper grouper species are locally available for harvest in higher quantities due to the limitation on gear and harvest restrictions, then recreational landings from the site may increase leading to higher overall CS generated from the sites.

**Alternative 3** would have similar economic effects as **Preferred Alternative 2** but is less restrictive for the commercial sector.

**Preferred Alternative 2** would be the most restrictive and thus have the highest potential costs for the commercial sector and highest potential benefits for the recreational sector followed by **Alternative 3**, and **Alternative 1 (No Action)**.

### *Social Effects*

The social effects of establishing SMZs in South Carolina would be associated with any biological benefits and subsequent changes in access to the resource. **Preferred Alternative 2** is more restrictive than **Alternative 3**; thus, it would result in greatest short-term negative social effects and the greatest long-term positive social effects to coastal communities.

Designating artificial reefs as SMZ, would require compliance and enforcement to be effective. If these are lacking, the SMZ may not generate the expected biological benefits, which would negatively affect fishermen and communities. Additionally, **Preferred Alternative 2** matches regulations in previously established SMZs in South Carolina. Consistency in would be expected to reduce confusion among commercial and recreational fishermen and aid in compliance and enforcement efforts resulting in indirect positive social effects.

### *Administrative Effects*

**Alternative 1 (No Action)** would not change the administrative environment from its current condition. **Alternatives 2** and **3** would likely have adverse administrative effects if law enforcement conducted at-sea enforcement of the regulations at the proposed SMZs. The adverse administrative effects of **Alternative 3** would likely be greater than **Alternative 2** since **Alternative 2** would limit all harvest to the recreational bag limit, not just harvest by one gear type.

**IPT Recommendations/Comments:**

See Action 1

**Snapper Grouper Advisory Panel Comments and Recommendations:**

See summary of comments under Action 1. There were no specific comments regarding proposed SMZs off South Carolina.

**Public Comments:**

There were no public scoping comments regarding this action.

**Committee Action:**

- CONSIDER PUBLIC AND AP COMMENTS
- MAKE MODIFICATIONS TO ACTION/ALTERNATIVES AS APPROPRIATE
- OTHERS?