

# White Paper on Incorporating Spawning Special Management Zones into Highly Migratory Species Bottom Longline Regulations

South Atlantic Fishery Management Council

Highly Migratory Species Committee

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## Introduction and Background

In 2016, the South Atlantic Fishery Management Council (Council) approved Snapper Grouper Amendment 36 that implemented five spawning Special Management Zones (SMZs) in the South Atlantic Region to protect important areas used by snapper grouper species for reproducing. Spawning SMZs are designed to protect areas and habitat important for spawning, such as areas where spawning has been observed or is likely to occur. Within this amendment, the Council also changed the existing Charleston Deep Artificial Reef MPA coordinates to match the altered boundary of the permitted reef site (SAFMC 2016).

Within the spawning SMZs, the possession of snapper grouper species is prohibited other than while in transit with fishing gear appropriately stowed. This is also the case for the eight Type 2 MPAs that the Council established in Snapper Grouper Amendment 14. In the circumstance of the eight Type 2 MPAs and per Snapper Grouper Amendment 14, regulations were also put in place by Atlantic Highly Migratory Species (HMS) that include the coordinates for the Type 2 MPAs and prohibit bottom longlines, mainly used for shark fishing, from being used in these areas. These HMS bottom longline regulations have not been extended to include the relatively new spawning SMZs.

During research for this document, it was also noted that the coordinates for the Charleston Deep Artificial Reef and MPA are not the same between the regulations for Atlantic HMS bottom longline restricted areas (§635.21 *Gear operation and deployment restrictions*) and South Atlantic marine protected areas (§622.183 *Area and seasonal closures*). This is likely due to a change in the coordinates for the Charleston Deep Artificial Reef MPA that became effective July 31, 2017 via Snapper Grouper Amendment 36 which was made to match the altered permit boundaries issued from the Army Corps of Engineers. The coordinates within the HMS bottom longline regulations for the site have not yet been updated.

Relevant regulations in place for spawning SMZs, HMS bottom longline restricted areas, and the coordinates for the Charleston Deep Artificial Reef and MPA can be found in **Appendix 1**<sup>1</sup>. Specifically, in relation to the Charleston Deep Artificial Reef, the boundaries of the MPA were moved approximately 1.4 miles to the northwest in Snapper Grouper Amendment 36. The discrepancies in the coordinates between the South Atlantic and HMS regulations for the Reef are outlined in **Table 1**.

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<sup>1</sup> CFR Title 50 Chapter VI Part 622 (Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic) and Part 635 (Atlantic Highly Migratory Species) can be found online at: <https://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=46e5d77d07aee7e735f020f93930a661&mc=true&tpl=/ecfrbrowse/Title50/50chapterVI.tpl>

**Table 1.** Coordinates for the “Charleston Deep Artificial Reef MPA” in Snapper Grouper regulations and for the “Charleston Deep Artificial Reef” in HMS regulations.

Charleston Deep Artificial Reef MPA Coordinates (in Snapper Grouper Regulations)		Charleston Deep Artificial Reef Coordinates (in HMS Regulations)	
32°05.04' N. lat.	79°13.575' W. long.	32°04' N. lat.	79°12' W. long.
32°09.65' N. lat.	79°09.2' W. long.	32°08.5' N. lat.	79°07.5' W. long.
32°07.155' N. lat.	79°05.595' W. long.	32°06' N. lat.	79°05' W. long.
32°02.36' N. lat.	79°09.975' W. long.	32°01.5' N. lat.	79°09.3' W. long.
32°05.04' N. lat.	79°13.575' W. long.	32°04' N. lat.	79°12' W. long.

### **Discussion and Potential Actions**

In discussing this topic, the Committee may want to consider the following questions:

- 1) Does the Committee feel that the potential use of bottom longline gear for sharks in spawning SMZs is a concern of sufficient level to take action?
- 2) Should the coordinates for the Charleston Deep Artificial Reef in HMS regulations specifying areas where bottom longline gear may not be fished or deployed align with the newly specified coordinates for the site MPA that were implemented via Snapper Grouper Amendment 36?
- 3) Does the Committee have other concerns regarding the potential interaction of HMS fisheries with spawning SMZs?

In Snapper Grouper Amendment 14, the Council proposed prohibiting the use of shark (i.e. HMS permitted) bottom longlines within the Type 2 MPAs to avoid three negative outcomes. First, to reduce bycatch of deepwater snapper grouper species in the shark bottom longline fishery that could occur within the Type 2 MPAs. Although the bycatch was estimated to be relatively small at the time, it was believed that it would increase as snapper grouper populations recovered. Second, the use of shark bottom longlines would damage essential fish habitat in the proposed Type 2 MPAs. Third, the use of shark bottom longlines in the proposed Type 2 MPAs would create an enforcement loophole which would make it more difficult to keep people from using bottom longlines to catch snapper grouper species in the proposed Type 2 MPAs (SAFMC 2007).

The potential enforcement loophole that was mentioned in Snapper Grouper Amendment 14 is addressed to some extent in the transit provisions that have been implemented for both the Type 2 MPAs and spawning SMZs. The potential bycatch of snapper grouper species and habitat damage within the spawning SMZs are not addressed, as the use of bottom longlines for sharks is still possible, albeit all snapper grouper species caught would need to be discarded. In relation to habitat preservation in spawning SMZs, the Council did include an action in Snapper Grouper Amendment 36 to prohibit anchoring of fishing vessels within the sites other than for the Area 51 and Area 53 locations.

The Committee may want to discuss if shark fishing using bottom longlines within the spawning SMZs is of a high enough level concern for the Council to follow up on and how best to do so. For reference, there are five spawning SMZs (1 in North Carolina, 3 in South Carolina, and 1 in Florida) that cover approximately 14 square miles in total for the South Atlantic Region. The extent to which fishing activity that uses bottom longline gear for sharks, if any, is occurring within the spawning SMZs has not been quantified and would take additional analysis by HMS and/or SAFMC staff.

The Committee has several options regarding how or if to proceed. A few items that the Committee may want consider is:

- Does the Council want to revisit spawning SMZs to propose that HMS consider adding the spawning SMZs to the list of areas under HMS regulations where bottom longlines may not be fished or deployed (see §635.21 *Gear operation and deployment restrictions* in **Appendix 1**)? This could be accomplished via a comment letter sent to HMS immediately or delayed until some other time before the spawning SMZs are to be considered for reauthorization (i.e. prior to August 2, 2027).
- Should the Council provide comment to HMS regarding updating the coordinates for the Charleston Deep Artificial Reef to reflect the changes recently made via Snapper Grouper Amendment 36 to the MPA boundaries?
- Should the Council not comment on prohibiting the use of HMS permitted bottom longline gear in spawning SMZs or updating the boundaries for the Charleston Deep Artificial Reef?
- Are there other issues or options that the Council should bring up in relation to the two outlined issues?

### **References Cited**

SAFMC (South Atlantic Fishery Management Council). 2007. Amendment 14, Final Environmental Impact Statement, Initial Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement for the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. South Atlantic Fishery Management Council, 4055 Faber Place, Ste 201, North Charleston, S.C. 29405.

SAFMC (South Atlantic Fishery Management Council). 2016. Amendment 36, Including an Environmental Assessment for the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. South Atlantic Fishery Management Council, 4055 Faber Place, Ste 201, North Charleston, S.C. 29405.

**APPENDIX 1. Selected South Atlantic MPA, Spawning SMZ, and HMS Bottom Longline Regulations**

**Part 622 – FISHERIES OF THE CARRIBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC**

**§622.183 Area and seasonal closures.**

(a) *Area closures*—(1) *Marine protected areas (MPAs)*. (i) No person may fish for a South Atlantic snapper-grouper in an MPA, and no person may possess a South Atlantic snapper-grouper in an MPA. However, the prohibition on possession does not apply to a person aboard a vessel that is in transit with fishing gear appropriately stowed as specified in paragraph (a)(1)(ii) of this section. In addition to these restrictions, see §635.21(d)(1)(iii) of this chapter regarding restrictions applicable within these MPAs for any vessel issued a permit under part 635 of this chapter that has longline gear on board. MPAs consist of deepwater areas as follows:

(A) *Snowy Grouper Wreck MPA* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	33°25'	77°04.75'
B	33°34.75'	76°51.3'
C	33°25.5'	76°46.5'
D	33°15.75'	77°00.0'
A	33°25'	77°04.75'

(B) *Northern South Carolina MPA* is bounded on the north by 32°53.5' N. lat.; on the south by 32°48.5' N. lat.; on the east by 78°04.75' W. long.; and on the west by 78°16.75' W. long.

(C) *Edisto MPA* is bounded on the north by 32°24' N. lat.; on the south by 32°18.5' N. lat.; on the east by 78°54.0' W. long.; and on the west by 79°06.0' W. long.

(D) *Charleston Deep Artificial Reef MPA* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°05.04'	79°13.575'
B	32°09.65'	79°09.2'
C	32°07.155'	79°05.595'
D	32°02.36'	79°09.975'
A	32°05.04'	79°13.575'

(E) *Georgia MPA* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	31°43'	79°31'
B	31°43'	79°21'

## TAB11\_A01\_HMS\_WhitePaperForSMZs\_HMS\_BLL\_Regs\_06\_2018.pdf

C	31°34'	79°29'
D	31°34'	79°39'
A	31°43'	79°31'

(F) *North Florida MPA* is bounded on the north by 30°29' N. lat.; on the south by 30°19' N. lat.; on the east by 80°02' W. long.; and on the west by 80°14' W. long.

(G) *St. Lucie Hump MPA* is bounded on the north by 27°08' N. lat.; on the south by 27°04' N. lat.; on the east by 79°58' W. long.; and on the west by 80°00' W. long.

(H) *East Hump MPA* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°36.5'	80°45.5'
B	24°32'	80°36'
C	24°27.5'	80°38.5'
D	24°32.5'	80°48'
A	24°36.5'	80°45.5'

(ii) For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the MPA. Fishing gear appropriately stowed means—

(A) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(B) A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

(C) A gillnet, stab net, or trammel net must be left on the drum. Any additional such nets not attached to the drum must be stowed below deck.

(D) Terminal gear (*i.e.*, hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. A rod and reel must be removed from the rod holder and stowed securely on or below deck.

(E) A crustacean trap, golden crab trap, or sea bass pot cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(2) *Spawning SMZs.* (i) Any fishing vessel in a spawning SMZ is prohibited to fish for or harvest species in the snapper-grouper fishery management unit year-round. For a fishing vessel to possess snapper-grouper species on board while in a spawning SMZ, the vessel must be in transit and fishing gear must be appropriately stowed, as specified in paragraph (a)(2)(vii) of this section. Except for spawning SMZs of Area 51 and Area 53, the spawning SMZs in this paragraph are effective until August 2, 2027. A person on board a fishing vessel may not anchor, use an anchor and chain, or use a grapple and chain while in the spawning SMZs specified in paragraph (a)(2) of this section. The anchoring prohibition does not apply to fishing vessels in the spawning SMZs of Area 51 and Area 53.

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(ii) *South Cape Lookout Spawning SMZ* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	33°53.040'	76°28.617'
B	33°52.019'	76°27.798'
C	33°49.946'	76°30.627'
D	33°51.041'	76°31.424'
A	33°53.040'	76°28.617'

(iii) *Devil's Hole/Georgetown Hole Spawning SMZ* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°34.311'	78°34.996'
B	32°34.311'	78°33.220'
C	32°32.748'	78°33.220'
D	32°32.748'	78°34.996'
A	32°34.311'	78°34.996'

(iv) *Area 51 Spawning SMZ* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°35.25'	79°28.6'
B	32°35.25'	79°27'
C	32°33.75'	79°27'
D	32°33.75'	79°28.6'
A	32°35.25'	79°28.6'

(v) *Area 53 Spawning SMZ* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°22.65'	79°22.25'
B	32°22.65'	79°20.5'
C	32°21.15'	79°20.5'
D	32°21.15'	79°22.25'
A	32°22.65'	79°22.25'

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(vi) *Warsaw Hole/50 Fathom Hole Spawning SMZ* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°22.277'	82°20.417'
B	24°22.277'	82°18.215'
C	24°20.932'	82°18.215'
D	24°20.932'	82°20.417'
A	24°22.277'	82°20.417'

(vii) For the purpose of paragraph (a)(2)(i) of this section, transit means direct, non-stop progression through the spawning SMZ. Fishing gear appropriately stowed means—

(A) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(B) Trawl doors and nets must be out of the water, but the doors are not required to be on deck or secured on or below deck.

(C) A gillnet, stab net, or trammel net must be left on the drum. Any additional such nets not attached to the drum must be stowed below deck.

(D) Terminal gear (*i.e.*, hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

(E) A crustacean trap, golden crab trap, or sea bass pot cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

## Part 635 – ATLANTIC HIGHLY MIGRATORY SPECIES

### § 635.21 Gear operation and deployment restrictions.

#### (d) *Bottom longlines.*

(1) If bottom longline gear is onboard a vessel issued a permit under this part, persons aboard that vessel may not fish or deploy any type of fishing gear in the following areas:

- (i) The mid-Atlantic shark closed area from January 1 through July 31 each calendar year;
- (ii) The areas designated at § 622.435(a)(2)(i) through (iii) of this chapter, year-round; and
- (iii) The areas described in paragraphs (d)(1)(iii)(A) through (H) of this section, year-round.

**(A) *Snowy Grouper Wreck.*** Bounded by rhumb lines connecting, in order, the following points: 33°25' N. lat., 77°04.75' W. long.; 33°34.75' N. lat., 76°51.3' W. long.; 33°25.5' N. lat., 76°46.5' W. long.; 33°15.75' N. lat., 77°00.0' W. long.; 33°25' N. lat., 77°04.75' W. long.

**(B) *Northern South Carolina.*** Bounded on the north by 32°53.5' N. lat.; on the south by 32°48.5' N. lat.; on the east by 78°04.75' W. long.; and on the west by 78°16.75' W. long.

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**(C)Edisto.** Bounded on the north by 32°24' N. lat.; on the south by 32°18.5' N. lat.; on the east by 78°54.0' W. long.; and on the west by 79°06.0' W. long.

**(D)Charleston Deep Artificial Reef.** Bounded by rhumb lines connecting, in order, the following points: 32°04' N. lat., 79°12' W. long.; 32°08.5' N. lat., 79°07.5' W. long.; 32°06' N. lat., 79°05' W. long.; 32°01.5' N. lat., 79°09.3' W. long.; 32°04' N. lat., 79°12' W. long.

**(E)Georgia.** Bounded by rhumb lines connecting, in order, the following points: 31°43' N. lat., 79°31' W. long.; 31°43' N. lat., 79°21' W. long.; 31°34' N. lat., 79°29' W. long.; 31°34' N. lat., 79°39' W. long.; 31°43' N. lat., 79°31' W. long.

**(F)North Florida.** Bounded on the north by 30°29' N. lat.; on the south by 30°19' N. lat.; on the east by 80°02' W. long.; and on the west by 80°14' W. long.

**(G)St. Lucie Hump.** Bounded on the north by 27°08' N. lat.; on the south by 27°04' N. lat.; on the east by 79°58' W. long.; and on the west by 80°00' W. long.

**(H)East Hump.** Bounded by rhumb lines connecting, in order, the following points: 24°36.5' N. lat., 80°45.5' W. long.; 24°32' N. lat., 80°36' W. long.; 24°27.5' N. lat., 80°38.5' W. long.; 24°32.5' N. lat., 80°48' W. long.; 24°36.5' N. lat., 80°45.5' W. long.