

Note: This report represents an unofficial compilation of regulatory activities of the SERO Sustainable Fisheries Division.

**Status Report of Southeast Regional Office (SERO)
Sustainable Fisheries Division Activities
(January 11, 2006)**

Caribbean Council

1. Sustainable Fisheries Act (SFA) Amendment - The Council approved the SFA amendment for public hearing at the August 2004 meeting, and in May 2005, voted to submit the SFA Amendment for Secretarial review. The amendment contained numerous actions to bring the Caribbean Fishery Management Plans into compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, including actions to define fishery management units and sub-units and their biological reference points and stock status determination criteria; reduce fishing mortality and rebuild overfished stocks; establish standardized bycatch reporting requirements; and designate and protect essential fish habitat. The amendment was approved by the agency on September 13, 2005. The final rule published in the *Federal Register* on October 28, 2005, and became effective November 28, 2005.

South Atlantic Council

1. Shrimp Amendment 6 - Amendment 6 measures include: 1) Bycatch Reduction Device (BRD) protocol and certification; 2) requirements for commercial shrimp permits; 3) BRD requirements for rock shrimp; and 4) Status Determination Criteria (SDC). The Council approved the amendment for Secretarial review at its December 2004 meeting. The Notice of Availability (NOA) was published on March 7, 2005, with a comment period ending May 6, 2005. The amendment was approved on May 26, 2005. The final rule was published on December 12, 2005. All actions in the amendment became effective January 11, 2006, except for vessel permits, which become effective April 11, 2006.

2. Snapper Grouper Amendment 13B - This amendment is under development and will contain actions to establish: 1) SDCs for data poor species; 2) management measures for species not undergoing overfishing; and 3) a system to manage data-poor species using indicator species. An Environmental Analysis (EA) will support the amendment. A preliminary public hearing draft is anticipated for the meetings in December 2006.

3. Snapper Grouper Amendment 13C - The Council voted at its June 2005 meeting to develop a regulatory amendment, after consideration of the timeline for 13B and the likelihood that a proposed interim rule would expire before 13B became effective. At its September 2005 meeting, the Council determined that the document should be renamed Amendment 13C. This amendment contains management measures required to end overfishing of black sea bass, snowy grouper, golden tilefish, and vermilion snapper, and to increase harvest of red porgy. An Environmental Impact Statement (EIS) supports the amendment. Public hearings occurred in November and December 2005. NOAA Fisheries filed the Draft EIS on October 14, 2005. Final Council action was taken at the December 2005 Council meeting. The document will be submitted for secretarial review in February 2006.

4. Snapper Grouper Amendment 14 – The Council voted at its December 2005 meeting to develop an amendment containing actions to establish marine protected areas. A preliminary public hearing draft is anticipated for its meetings in March or June 2006.

5. Snapper Grouper Amendment 15 - The Council voted at its December 2005 meeting to develop an amendment containing actions to establish: 1) SDC's for snowy grouper, golden tilefish, vermilion snapper, black sea bass, and red porgy; 2) rebuilding schedules and strategies for snowy grouper, black sea bass, and red porgy; 3) management measures to change the fishing year for golden tilefish; 4) removal of the size limit for queen snapper; 5) a 1-year permit renewal period (changed from the current 60-day); 6) one-to-one transferability of snapper-grouper commercial permits from individuals to family-owned corporations; and 7) a prohibition of the sale of snapper grouper species without a commercial snapper grouper license. The amendment will be supported by an EA. A preliminary public hearing draft is anticipated for the meetings in March or June 2006.

5. Fishery Ecosystem Plan (FEP) - The Council approved a draft action plan for an ecosystem-based approach to resource management. Using the current Habitat Plan for the South Atlantic Region as a cornerstone, the Council plans to use the FEP to transition from single species management to fishery ecosystem-based management. A scoping meeting on the FEP was held at the March 2005 Council meeting. On May 23, 2005, the Council published a NOI to prepare a DEIS to assess the impacts of management measures proposed in its draft FEP Comprehensive Amendment. The Council approved the FEP outline at its June 2005 meeting.

6. Spanish Mackerel Control Date – At its June 2004 meeting, the Council voted to update its existing 1993 control date for Spanish mackerel. Council staff notified SERO of the intent to follow through on this action in July 2005. Following concurrence by the Gulf Council at its October 2005 meeting, SERO transmitted the Advanced Notice of Proposed Rulemaking (ANPR) for publication on October 25, 2005. The control date, June 15, 2004, was published in the *Federal Register* on November 9, 2005.

Gulf Council

1. Amendment 18A to the Reef Fish FMP - Amendment 18A addresses a number of issues regarding reef fish fishery management including: 1) Use of reef fish for bait; 2) maximum crew size on a charter vessel when fishing commercially; 3) modifications to the TAC framework procedure; 4) turtle and smalltooth sawfish release measures; and 5) requiring a Vessel Monitoring System (VMS) for commercial reef fish permit holders, even if operating as a charter vessel. The Council reviewed a public hearing draft at its May 2005 meeting. Public hearings were held during June 2005. The Council heard public testimony at its meetings in August and September 2005. The Council voted to send the amendment to the Secretary at its September 2005 meeting. Amendment 18A is currently under Secretarial review.

2. Amendment 26 to the Reef Fish FMP (red snapper individual fishing quota [IFQ] program) - The Council reviewed a public hearing draft of Amendment 26 at its August

2005 meeting and selected preferred alternatives. Actions addressed in this amendment include: 1) Establishment of an IFQ program; 2) the duration of IFQ privileges; 3) ownership caps and restrictions on IFQ share certificates and allocations; 4) eligibility for initial IFQ allocations; 5) initial apportionment of IFQ shares; 6) establishment and structure of an appeals process; 7) transfer eligibility requirements; 8) “use it or lose it” for IFQ shares or allocations; 9) adjustments in commercial quota; 10) VMS; and 11) a cost recovery plan. The Council reviewed the public hearing draft again at its October 2005 meeting. Public hearings occurred in October 2005. The Council reviewed comments at its November 2005 meeting and voted to send the amendment out to eligible voters for a second referendum. In the second referendum eligible voters will be asked to decide the amendment should be submitted to the Secretary for review and approval/disapproval. The DSEIS will file with the Environmental Protection Agency in mid-January 2006 with a 45-day comment period. On or about January 17, 2006, NOAA Fisheries will mail each eligible voter the draft plan amendment and a ballot that specifies the number of votes (weighted) the voter is assigned. The SERO must receive ballots for the second referendum by 4:30 p.m., Eastern Time, February 21, 2006.

3. Amendment 17 to the Coastal Migratory Pelagics (CMP) FMP and Amendment 25 to the Reef Fish FMP (charter vessel/headboat permit moratorium) - Amendments 17 and 25 would extend the current moratorium for coastal migratory pelagic and reef fish for-hire permits indefinitely beyond the current expiration date of June 2006. A public hearing draft was approved at the Council’s May 2005 meeting, and the Council held public hearings in June 2005. The Council finalized the amendment at its August 2005 meeting. The South Atlantic Council took final action on this amendment at its December 2005 meeting. The amendment has been submitted for Secretarial review.

4. Generic EFH Amendment - Amendment 3 addresses actions identified in the Council’s EFH FEIS and includes: 1) Description and identification of EFH for each fishery; 2) establishment of additional HAPCs; and 3) measures to minimize to the extent practicable any adverse effects of fishing on such EFH. The Council voted to forward the amendment for Secretarial review at its January 2005 meeting. The proposed rule (70 FR 56157) comment period ended November 10, 2005 and comment period for the NOA (70 FR 54518) ended November 14, 2005. The final rule published December 23, 2005 (70 FR 76216), with an effective date of January 23, 2006.

5. Generic Amendment for Offshore Aquaculture - The purpose of this amendment is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf Exclusive Economic Zone (EEZ). Possible management actions include: 1) Types of aquaculture permits required, 2) duration aquaculture permits are effective, 3) conditions for permit issuance, 4) species allowed for aquaculture, 5) allowable aquaculture systems, 6) designation of sites or areas for conducting aquaculture, 7) buffer zones for aquaculture facilities, 8) recordkeeping and reporting requirements, and 9) regulations to aid in the enforcement of marine aquaculture facilities. A scoping document was presented to the Council at its January 2004 meeting, and scoping hearings were held in February and March 2004. The Ad Hoc Aquaculture Advisory Panel met to review an options paper for the amendment in August

2004. The NOI was published on September 2, 2004. The Council reviewed drafts of this scoping document at its meetings in March, October, and November 2005.

6. Commercial Grouper Regulatory Amendment - The purpose of this amendment is to reduce the adverse impacts of derby fishing and prolong the commercial fishing season. This amendment originally contained both commercial and recreational management measures. However, at its October 2005 meeting, the Council voted to split the regulatory amendment into commercial and recreational management actions. The Council took final action on the commercial regulatory amendment in October 2005 and selected a 6,000-pound grouper trip limit as its preferred alternative. The proposed rule and final rules for this amendment were published in the *Federal Register* on November 22, 2005, and December 29, 2005, respectively. The 6,000-pound trip limit became effective January 1, 2006.

7. Recreational Grouper Regulatory Amendment - At the October 2005 meeting, the Council voted to split the grouper regulatory amendment into commercial and recreational management actions. The Council voted to defer action on the recreational regulatory amendment until its November 2005 meeting. In November 2005, the Council approved this regulatory amendment. The Council selected the following preferred alternatives: 1) Reduce the red grouper bag limit from two to one fish per person per day, 2) prohibit the harvest of red grouper, black grouper, and gag from February 15-March 15, and 3) prohibit captain and crew from retaining bag limits of grouper while under charter. The Council is anticipated to submit this amendment for Secretarial review in early 2006.

8. Interim Rule for Recreational Grouper - On July 25, 2005, NOAA Fisheries published the interim rule implementing management measures for the recreational grouper fishery in the EEZ of the Gulf of Mexico, as requested by the Council. The interim rule reduced the red grouper bag limit from two to one fish per person per day; closed the recreational grouper fishery from November 1 through December 31, 2005, and reduced the aggregate bag limit to three grouper, combined, per person per day. The intended effects of the interim rule were to reduce overfishing of red grouper in the Gulf of Mexico and to minimize potential adverse impacts on other grouper stocks that could result from a shift in fishing effort from red grouper to other grouper species. The rule became effective August 9, 2005. NOAA Fisheries was sued shortly after implementation of the interim rule. On October 31, 2005, the U.S. District Court issued a partially adverse decision on the interim rule. The interim rule expires January 23, 2006. NOAA Fisheries intends to amend the interim rule consistent with the Court's ruling and extend the interim rule for an additional 180 days, or until implementation of the Recreational Grouper Regulatory Amendment.

9. Emergency Rule for Commercial Grouper - At its November 2004 meeting, the Council requested an emergency rule to establish combined trip limits for deep-water and shallow-water grouper for the 2005 fishing year. The emergency measures were to: 1) Set a trip limit of 10,000 pounds for all grouper combined at the beginning of the fishing year (January 1); 2) reduce the trip limit to 7,500 pounds when 50 percent of either the shallow-water or red grouper quota was reached; and 3) reduce the trip limit to

5,500 pounds when 75 percent of either the shallow-water or red grouper quota was reached. On March 3, 2005, NOAA Fisheries implemented these emergency trip limits, which were intended to prolong the commercial grouper fishing season and reduce the adverse socioeconomic effects of derby fishing. The emergency rule was extended for an additional 180 days on August 17, 2005. The emergency rule was terminated on January 1, 2006, when new trip limits were implemented for the commercial grouper fishery (see Commercial Grouper Regulatory Amendment).

10. Joint Shrimp Amendment 14/Reef Fish Amendment 27 - At its August 2005 meeting, the Council asked staff to begin working on a scoping document to set a new red snapper TAC based on the most current stock assessment. In addition, they asked staff to examine methods to reduce bycatch mortality in both the directed and shrimp trawl fisheries. Actions currently listed for this amendment include alternatives for red snapper TAC, commercial and recreational minimum size limits, recreational fishing seasons, recreational bag limits, modification of shrimp bycatch reduction criterion, shrimp trawl gear limits, limitations of shrimp vessel permit transferability, and either adding or expanding shrimp area closures inside of 100 fathoms. The Council will make a final determination about which actions will be in the scoping document at its January 2006 meeting, and scoping meetings are scheduled to occur January 23-31, 2006.

11. Joint Shrimp Amendment 15/Reef Fish Amendment 28 - At its October 2005 meeting, the Council asked staff to begin working on a scoping document that will examine further reductions in bycatch in the directed red snapper and shrimp fisheries. It also will examine alternatives to reduce effort in the shrimp fishery and to monitor vessels to insure compliance with closed-area restrictions and bycatch limitations. Actions for this amendment include alternatives for red snapper gear restrictions, depth restrictions on the commercial red snapper fishery, bycatch reduction in the red snapper fishery, further restrictions on the shrimp fishery to reduce bycatch, establishing a shrimp fishery bycatch quota, monitoring bycatch quotas, eliminating latent shrimp permits, penaeid shrimp fishery effort reduction, and vessel monitoring systems for the shrimp fishery. The Council will make a final determination about which actions will be in the scoping document at its January 2006 meeting, and scoping meetings are scheduled to occur January 23-31, 2006.