



## **MAGNUSON – STEVENS ACT/NEPA SCOPING DOCUMENT**

### **Comprehensive Annual Catch Limit Amendment**

**JANUARY 12, 2009**

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**Scoping meetings are less formal than public hearings and occur prior to the South Atlantic Fishery Management Council (Council) taking any position on a management issue. When the Council is considering the need for management, scoping meetings provide an opportunity for members of the public to make suggestions BEFORE the Council has made any decisions.**

The South Atlantic Fishery Management Council is soliciting public input on possible options under consideration by the Council. For species not undergoing overfishing, the Council is considering specifying:

- (1) annual catch limits;
- (2) annual catch targets;
- (3) accountability measures;
- (4) allocations between commercial, for-hire, and recreational sectors; and
- (5) regulations to limit total mortality to the Annual Catch Target (ACT). Management regulations may include, but are not limited to: commercial quotas, recreational allocations, trip limits, vessel limits, size limits, bag limits, closed areas, closed seasons, changes to fishing years, and permit endorsements. In addition, the Council is considering removing species from the Fishery Management Units and designating others as Ecosystem Component species.

For the spiny lobster fishery, the Council is soliciting public input concerning:

- (1) impacts from traps on elkhorn and staghorn corals;
- (2) tailing permits;
- (3) the Federal 50-short rule;
- (4) a fishery north of Florida;
- (5) updates to the Council/State of Florida management process; and
- (6) possible delegation of authority to the State of Florida to manage spiny lobster.

## **NEED FOR ACTION**

Revisions to the Magnuson-Stevens Act in 2006 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing must establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee (SSC) or other established peer review processes. These Fishery Management Plans (FMPs) also are required to establish within this time frame measures to ensure accountability. Accountability measures (AMs) are management controls that ensure that the Annual Catch Limits (ACLs) are not exceeded; examples include corrective measures if overages occur and

implementation of an in-season monitoring program. By 2011, Fishery Management Plans (FMPs) for all other fisheries, except fisheries for species with annual life cycles, must meet these requirements. The Council will meet the requirements outlined above for ten species undergoing overfishing through Amendment 17 to the Snapper Grouper Fishery Management Plans (FMPs). The requirements for the remaining species (Appendix B) will be met through the Comprehensive Annual Catch Limit (ACL) Amendment.

The Council is considering an action to remove some species from the Fishery Management Units (FMUs) for respective Fishery Management Plans (FMPs), particularly those species that have a low occurrence in federal waters. The Fishery Management Unit (FMU) defined by each Council's Fishery Management Plan (FMP) identifies the specific fishery (or that portion thereof) that is relevant to the Fishery Management Plan's (FMP's) management objectives.

Decisions about the composition of Fishery Management Units (FMUs) are an integral part of the plan development process, as Fishery Management Units (FMUs) define the specific species that are to be the target of conservation and management. The purpose of this action is to ensure that fishery managers focus their attention and resources on species that are in need of conservation and management.

The Council is considering designating species as Ecosystem Component species. An Ecosystem Component species is not in a fishery but is in a Fishery Management Plan (FMP). Species may be included in Fishery Management Plans (FMPs) for data collection purposes, for ecosystem considerations related to Optimum Yield (OY) for the associated fishery, as considerations in the development of conservation and management measures for the associated fishery, and/or to address other ecosystem issues.

The Council is considering modifying regulations in the Spiny Lobster Fishery Management Plan (FMP). The Council believes that two Federal regulations, the allowance of tailing and the 50-short rule, may be causing unnecessary detrimental impacts to the resource. Under certain situations, lobster tails may be separated from the body onboard a fishing vessel. This allowance makes it difficult to determine if hooks and spears were used to harvest the resource and could result in adverse impacts to the resource such as harvesting berried females which would negatively impact spawning and recruitment. In order to further conserve the resource, the Council is considering regulations that would require lobsters to be landed whole.

In addition, up to 50 spiny lobsters under the minimum size limit may be retained aboard the vessel provided they are held in a live well aboard a vessel. When in a trap, such juveniles or “short” lobsters are used to attract other lobsters for harvest. This regulation increases the fishing mortality on juvenile lobsters and may facilitate their illegal trade. The Council is considering modifying and/or prohibiting possession and use of shorts as attractants.

Fishermen in areas north of Florida on the east coast are allowed to harvest two lobsters per person for either commercial or recreational purposes year-round; harvest of egg-bearing (berried) lobsters is prohibited. The Council is considering potential modifications to the allowable take to address concerns raised by commercial fishermen.

The Spiny Lobster Fishery Management Plan (FMP) contains a process for the State of Florida to propose modifications to regulations. This process is now outdated and needs to be updated. In addition, the Council is considering delegating management authority to the State of Florida given that virtually all of the harvest occurs in waters off of Florida.

**COMPREHENSIVE ACL AMENDMENT  
PUBLIC SCOPING MEETING SITES AND DATES**

**Scoping meetings will be held from 3:00 P.M – 7:00 P.M. at the following locations. Written comments must be received by 5 P.M on February 6, 2009. The Council accepts comments sent by mail, fax, or e-mail ([CompACLScoping@safmc.net](mailto:CompACLScoping@safmc.net)).**

<p><b><u>January 26, 2009</u></b> Hilton Garden Inn 5265 International Blvd. N. Charleston, South Carolina 29418 Phone: 843-308-9331</p>	<p><b><u>January 27, 2009</u></b> Bridge Pointe Hotel 101 Howell Road New Bern, North Carolina 28562 Phone: 252-636-3637</p>
<p><b><u>February 3, 2009</u></b> Key Largo Grande 97000 South Overseas Highway Key Largo, Florida 33037 Phone: 305-852-5553</p>	<p><b><u>February 4, 2009</u></b> Doubletree Hotel 2080 N. Atlantic Avenue Cocoa Beach, Florida 32931 Phone: 321-783-9222</p>
<p><b><u>February 5, 2009</u></b> Mighty Eighth Air Force Museum 175 Bourne Ave. Pooler, Georgia 31322 Phone: 912-748-8888</p>	

Council staff and local Council representatives (see Appendix A for Council Members and responsible staff members) will be on hand to answer questions concerning the Comprehensive Annual Catch Limit (ACL) Amendment and other topics covered during this series of scoping meetings. Members of the public will have the opportunity to provide comments on the record at any time during the hours posted above.

Other topics being covered during these meetings include scoping for the Comprehensive Ecosystem-Based Amendment 2 and Amendment 18 to the Snapper Grouper FMP. In addition, public hearings are being held for the Fishery Ecosystem Plan and Comprehensive Ecosystem-Based Amendment 1. Copies of the documents for these topics can be accessed at [www.safmc.net](http://www.safmc.net) or by contacting the Council office.

## **What Next?**

Written comments must be provided to the Council by 5 P.M. on February 6, 2009 ([CompACLScoping@safmc.net](mailto:CompACLScoping@safmc.net)). All comments will be considered by the Council in drafting the Comprehensive Annual Catch Limit (ACL) Amendment. There will be a number of opportunities to provide public input if the Council moves forward to develop an amendment. A simplified schematic of the Council process is presented in Appendix C.

### **Timing for the Comprehensive Annual Catch Limit (ACL) Amendment:**

1. Public scoping – approved for scoping at the December 2008 Council meeting; scoping to be held January/February 2009
2. Committee/Council review scoping comments and an options paper at March and June 2009 meetings.
3. Approve document for public hearings – September 2009
4. Public Hearings – November (1<sup>st</sup> & 2<sup>nd</sup> weeks) 2009
5. Council to review public hearing input & approve all actions – December 2009
6. Council to review complete document and approve for formal review by Secretary of Commerce – March 2010
7. Send for Secretarial Review – March 2010

## **Appendix A. South Atlantic Fishery Management Council 2008-2009 Membership**

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**Appendix B. Species Managed By the Council.**

**SNAPPER GROUPER COMPLEX**

Sea basses and Groupers (Serranidae) - 21 species

Gag	<i>Mycteroperca microlepis</i>
Red grouper	<i>Epinephelus morio</i>
Scamp	<i>Mycteroperca phenax</i>
Black grouper	<i>Mycteroperca bonaci</i>
Rock hind	<i>Epinephelus adscensionis</i>
Red hind	<i>Epinephelus guttatus</i>
Graysby	<i>Cephalopholis cruentata</i>
Yellowfin grouper	<i>Mycteroperca venenosa</i>
Coney	<i>Cephalopholis fulva</i>
Yellowmouth grouper	<i>Mycteroperca interstitialis</i>
Tiger grouper	<i>Mycteroperca tigris</i>
Goliath grouper	<i>Epinephelus itajara</i>
Nassau grouper	<i>Epinephelus striatus</i>
Snowy grouper	<i>Epinephelus niveatus</i>
Yellowedge grouper	<i>Epinephelus flavolimbatus</i>
Warsaw grouper	<i>Epinephelus nigritus</i>
Speckled hind	<i>Epinephelus drummondhayi</i>
Misty grouper	<i>Epinephelus mystacinus</i>
Black sea bass	<i>Centropristis striata</i>
Bank sea bass	<i>Centropristis ocyurus</i>
Rock sea bass	<i>Centropristis philadelphica</i>
Wreckfish (Polyprionidae) - 1 species	
Wreckfish	<i>Polyprion americanus</i>
Snappers (Lutjanidae) - 14 species	
Queen snapper	<i>Etelis oculatus</i>
Yellowtail snapper	<i>Ocyurus chrysurus</i>
Gray snapper	<i>Lutjanus griseus</i>
Mutton snapper	<i>Lutjanus analis</i>
Lane snapper	<i>Lutjanus synagris</i>
Cubera snapper	<i>Lutjanus cyanopterus</i>
Dog snapper	<i>Lutjanus jocu</i>
Schoolmaster	<i>Lutjanus apodus</i>
Mahogany snapper	<i>Lutjanus mahogoni</i>
Vermilion snapper	<i>Rhomboplites aurorubens</i>
Red snapper	<i>Lutjanus campechanus</i>

Silk snapper	<i>Lutjanus vivanus</i>
Blackfin snapper	<i>Lutjanus buccanella</i>
Black snapper	<i>Apsilus dentatus</i>
Porgies (Sparidae) - 9 species	
Red porgy	<i>Pagrus pagrus</i>
Sheepshead	<i>Archosargus</i>
<i>probatocephalus</i>	
Knobbed porgy	<i>Calamus nodosus</i>
Jolthead porgy	<i>Calamus bajonado</i>
Scup	<i>Stenotomus chrysops</i>
Whitebone porgy	<i>Calamus leucosteus</i>
Saucereye porgy	<i>Calamus calamus</i>
Grass porgy	<i>Calamus arctifrons</i>
Longspine porgy	<i>Stenotomus caprinus</i>
Grunts (Haemulidae) - 11 species	
White grunt	<i>Haemulon plumieri</i>
Black margate	<i>Anistotremus surinamensis</i>
Margate	<i>Haemulon album</i>
Tomtate	<i>Haemulon aurolineatum</i>
Sailor's choice	<i>Haemulon parra</i>
Porkfish	<i>Anistotremus virginicus</i>
Bluestriped grunt	<i>Haemulon sciurus</i>
French grunt	<i>Haemulon flavolineatum</i>
Cottonwick	<i>Haemulon melanurum</i>
Spanish grunt	<i>Haemulon macrostomum</i>
Smallmouth grunt	<i>Haemulon chrysargeryum</i>
Jacks (Carangidae) - 8 species	
Greater amberjack	<i>Seriola dumerili</i>
Crevalle jack	<i>Caranx hippos</i>
Blue runner	<i>Caranx crysos</i>
Almaco jack	<i>Seriola rivoliana</i>
Banded rudderfish	<i>Seriola zonanta</i>
Bar jack	<i>Caranx ruber</i>
Lesser amberjack	<i>Seriola fasciata</i>
Yellow jack	<i>Caranx bartholomaei</i>
Tilefishes (Malacanthidae) - 3 species	
Tilefish	<i>Lopholatilus</i>
<i>chamaeleonticeps</i>	
Blueline tilefish	<i>Caulolatilus microps</i>

Sand tilefish	<i>Malacanthus plumier</i>
Triggerfishes (Balistidae) - 3 species	
Gray triggerfish	<i>Balistes capriscus</i>
Ocean triggerfish	<i>Canthidermis sufflamen</i>
Queen triggerfish	<i>Balistes vetula</i>
Wrasses (Labridae) - 2 species	
Hogfish	<i>Lachnolaimus maximus</i>
Puddingwife	<i>Halichoeres radiates</i>
Spadefishes (Eppiphidae) - 1 species	
Atlantic spadefish	<i>Chaetodipterus faber</i>

#### **COASTAL MIGRATORY PELAGICS**

Cero	<i>Scomberomorus regalis</i>
Cobia	<i>Rachycentron canadum</i>
King mackerel	<i>Scomberomorus cavalla</i>
Little tunny	<i>Euthynnus alletteratus</i>
Spanish mackerel	<i>Scomberomorus maculatus</i>

#### **DOLPHIN WAHOO**

Dolphinfish	<i>Coryphaena hippurus</i>
Wahoo	<i>Acanthocybium solandri</i>

#### **GOLDEN CRAB**

Golden crab	<i>Chaceon fenneri</i>
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#### **SHRIMP**

White shrimp	<i>Litopenaeus setiferus</i>
Pink shrimp	<i>Farfantepenaeus duorarum</i>
Brown shrimp	<i>Farfantepenaeus aztecus</i>
Rock shrimp	<i>Sicyonia brevirostris</i>
Royal red shrimp	<i>Pleoticus robustus</i>

#### **SPINY LOBSTER**

Spiny lobster	<i>Panulirus argus</i>
Slipper lobster	<i>Scyllarides spp.</i>

#### **SARGASSUM**

*Sargassum fluitans*  
*Sargassum natans*

#### **CORAL, CORAL REEFS AND LIVE/HARD BOTTOM HABITAT**

Coral belonging to the Class Hydrozoa (fire corals and hydrocorals). Coral belonging to the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals). Seafans, Gorgonia flabellum or G. ventalina. Coral in a coral reef, except for allowable octocoral. Coral in an HAPC, including allowable octocoral. Live rock - living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding individual mollusk shells).

**Appendix C. A Simplified Schematic of the Council Process.**

