The South Atlantic Fishery Management Council's

South Atlantic Update

Published for fishermen and others interested in marine resource conservation issues **Summer 2008**

Council Approves Snapper Grouper Amendment 15B

Measures will eliminate the sale of bag-limit caught snapper grouper species

After reviewing additional economic data analysis, public comment, and recommendations from its Snapper Grouper Advisory Panel, the Council continued its support to eliminate the bag limit sale of snapper grouper species and approved Amendment 15B to the Snapper Grouper Fishery Management Plan to implement management measures to end such sales. Currently, fishermen may sell their recreational bag limit catches without a federal commercial snapper grouper permit as long as they possess the appropriate state licenses and sell to a federal dealer. These sales count against current federal commercial quotas.

"It was never the Council's intent for a fishery to develop based on the sale of bag-limit caught snapper grouper species," stated Council Chairman George Geiger. "Allowing such sales has created incentives for crew on charter and headboat vessels to fish for species they and their customers may not otherwise target, and to sell multiple bag limits. The sale of these species is counted against existing quotas for the federally permitted commercial fishery," noted Chairman Geiger.

"These commercial quotas have been, and in some cases will continue to be, reduced along with recreational catches as the Council moves to end overfishing for species such as gag grouper and vermilion snapper." The Council noted that the federal permit requirement will simplify regulations and enhance law enforcement efforts, and help to eliminate the possibility of double-counting fish through recreational data collection. Amendment 15B also contains management measures to define interim allocations for snowy grouper and red porgy, monitor and assess bycatch, modify permit renewal and transferability requirements, and other actions.



The sale of bag limit snapper grouper species currently makes up an estimated 15% of the recorded sales of snapper grouper species. These bag limit sales by fishermen without a federal snapper grouper commercial permit count against commercial quotas. Upon final approval, Amendment 15B will eliminate such sales by requiring a federal commercial permit in order to sell any snapper grouper species.

The Council was originally scheduled to approve the amendment during its March 2008 meeting. However, additional data regarding the economic impacts of eliminating the bag limit sales became available after the public comment period for the Draft Environmental Impact Statement (DEIS) had closed. As a result, a Supplemental DEIS was compiled and the new economic data analyzed, delaying the

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Public Comment Scheduled at September Council Meeting
Thursday, September 18, 2008
Beginning at 2:00 PM

Shrimp Amendment 7
Measures to address rock shrimp permits/endorsements and economic reporting for the shrimp industry.

Spiny Lobster Generic Import Amendment
Measures to regulate imports of spiny lobster.

Snapper Grouper Amendment 16
Measures to end overfishing for gag grouper and vermilion snapper including seasonal closures for shallow-water grouper, quotas, bag limit reductions, and requirements to reduce bycatch.

Interim Rule - Red Snapper Closure
The Council is considering an interim rule to end overfishing for red snapper through a possible closure for both commercial and recreational fishermen, plus measures for other snapper grouper species undergoing overfishing.

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Editor's Note

The South Atlantic Update is published by the South Atlantic Fishery Management Council. Its purpose is to report developments in fisheries management that would be of interest to its readers. Please credit the Council when reprinting articles used in this newsletter. Anyone wishing to submit information or articles pertaining to fishing or fisheries management, or letters to the editor on a pertinent issue, is invited and encouraged to do so. Submissions may be mailed to Kim Iverson, Editor, South Atlantic Update, 4055 Faber Place Dr., Suite 201, N. Charleston, SC 29405, or may be sent via the internet; Email address: kim.iverson@safmc.net.

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Commerce Department Announces Council Member Appointments

David Cupka and George Geiger are reappointed to the South Atlantic Council

The Commerce Department announced appointments to the fishery management councils in July, including the reappointment of current Council Chairman, **George Geiger** and long-time member **David Cupka** to two at-large seats on the South Atlantic Fishery Management Council.

"Knowledgeable council members representing a variety of interests and willing to work together for sustainable fisheries are a key part of the fisheries management process," said Jim Balsiger, Ph.D., acting director of NOAA Fisheries Service. "Our continued hard work with the councils will help us in our efforts to end overfishing by the year 2010, as required by the Magnuson-Stevens Act.

Council members serve three-year terms, and may be reappointed to serve up to three consecutive terms. On behalf of the Secretary, the director of the National Marine Fisheries Service solicits nominations from the governors of coastal states, and oversees the annual appointment process. The Secretary selects council members from the list of nominees provided by the governors to fill obligatory and at-large seats that have become available due to an expiring term, a resignation or other reasons. Obligatory seats are state-specific, while at-large seats can be filled by a person from any of the states in the region.



Chairman George Geiger

Currently serving as Council Chairman, George Geiger of Sebastian, Florida was first appointed to an at-large seat on the South Atlantic Fishery Management Council in 2002. An avid recreational fisherman, he returned to Florida after retiring from the U.S. Army as a Lt. Colonel in 1987. George was stationed in the Daytona Beach area in the early 1970's and was "appalled to find the deterioration of fishing" in the area upon his return. He quickly became involved with the local chapter of the Coastal Conservation Association (CCA) Florida and served as a board member. "My early involvement with CCA led to an interest in the national system. The only way to affect change is to get involved," explained Geiger.



David Cupka

Appointed to serve as an At-Large representative in 2005, David Cupka is no stranger to the South Atlantic Council and the fishery management process. He served as South Carolina's state marine fisheries agency representative on the Council and has been involved in fisheries management for more than 25 years. David was first appointed as a Council member in 1993, and served as Council Chair-

(Continued page 10)

In the News:

Gray's Reef National Marine Sanctuary 2008 Condition Report Now Available

Gray's Reef National Marine Sanctuary received its first standardized Condition Report measuring the pressures on Sanctuary resources, their current condition and trends in that condition, and management responses to the pressures that threaten the integrity of the marine environment.

Located 17 miles offshore of Sapelo Island, Ga., the sanctuary encompasses 17 square nautical miles. Gray's Reef NMS protects particularly dense and nearshore patches of productive "live-bottom habitat" that are sparsely distributed from Cape Hatteras, N.C., to Cape Canaveral, Fla., on the inner- and mid-shelf of the South Atlantic Bight.

Overall, the resources protected by Gray's Reef National Marine Sanctuary appear to be in fair condition. For more information about Gray's Reef and the Condition Report visit: http://graysreef.noaa.gov/



Rock Shrimp Commercial Permits and Spiny Lobster Imports

Council will take final comment at September meeting

Rock Shrimp - Members of the Deepwater Shrimp Advisory Panel and the Golden Crab AP will meet jointly during the Council's September meeting. Part of the AP meeting agenda will include recommendations to the Council regarding **Amendment 7 to the Shrimp Fishery Management Plan.** The amendment includes actions to address rock shrimp endorsements and the current landings requirement. Preferred alternatives would eliminate the landings requirement and simplify the permit/endorsement system.

There is a need to maintain effort and infrastructure for the rock shrimp fishery to remain viable, and there is a concern that the makeup of the fishery could change under current requirements. The amendment also includes a requirement for economic data reporting for the entire shrimp fishery. Public hearings for Shrimp Amendment 7 were held in early August. The Council will review public comments and AP recommendations before taking final action on the amendment.

Spiny Lobster - The Council will also take comment on a **Generic Import Amendment** to restrict imports of spiny lobster into the United States to minimum size limits. Limiting Caribbean spiny lobster imports to a uniform minimum size will help protect juvenile spiny lobsters and aid in law enforcement efforts to detect illegally imported spiny lobster. This is a 3-council effort, with the Caribbean Fishery Management taking the lead and participation from the Gulf of Mexico and South Atlantic Councils.



The Council will take public comment on these issues on **Thursday, September 15, 2008** beginning at 2:00 p.m. for the Generic Spiny Lobster Amendment and at 2:30 p.m. for Shrimp Amendment 7.

Deepwater Marine Protected Areas One Step Closer to Final Approval

National Marine Fisheries Service publishes Proposed Rule in July for eight MPAs in the South Atlantic

A series of eight deepwater marine protected areas for the South Atlantic region, proposed by the Council in June 2007 through the approval of Amendment 14 to the Snapper Grouper Fishery Management Plan, are one step closer to becoming a reality.

On July 16, 2008 the National Marine Fisheries Service (NMFS) published the "Proposed Rule" in the Federal Register, outlining the regulations that would be implemented through the amendment. A public comment period on the Proposed Rule ended on August 15, 2008. All of the comments will be considered and addressed in the "Final Rule" by the Secretary of Commerce to implement approved regulations outlined in the amendment. It is unknown at this time when the Final Rule will be published.

The eight MPAs, ranging in size from 8 to 150 square nautical miles, have been designated to protect a portion of the long-lived, deepwater snapper grouper species complex and their associated habitat from directed fishing pressure.

Many snapper grouper species are vulnerable to overfishing because they may be long-lived, protogynous, they form spawning aggregations (e.g., snowy grouper, gag, scamp, and red snapper); and they suffer high release mortality when taken from deep water.

Deepwater snapper grouper species such as snowy grouper, speckled hind, warsaw grouper, and golden tilefish are most vulnerable to overfishing because they live longer than 50 years, do not survive the trauma of being captured from deep water, and have a complex life history. For example, snowy grouper and warsaw grouper are protogynous, meaning they may change sex from females to males as they grow older and/or larger, and for tilefishes, males and females grow at different rates.

The proposed MPAs have been designated as "Type 2" MPAs, meaning that while the areas are closed to fishing for snapper grouper species, trolling for pelagic species such as tuna, billfish, and dolphin will be allowed. A provision in Amendment 14 will allow fishermen to transit the areas with snapper grouper species with specific regulations for stowing fishing gear while crossing the areas. The amendment also includes a provision to prohibit the use of shark bottom longline gear in the areas.



NURC UNCW

Deepwater species such as this snowy grouper would receive protection from fishing pressure in the eight proposed MPAs. Snowy groupers are vulnerable to overfishing; they live longer than 50 years, change sex from female to males as they grow older/larger, form aggregations when spawning, and do not survive the trauma of being caught.

For more information on the proposed MPAs, including maps, background information, and Snapper Grouper Amendment 14, visit www.safmc.net.

Council Delays Action on Snapper Grouper Amendment 16 to Address Overfishing

Additional management measures added for consideration in September

Working under a timeline dictated by the Magnuson-Stevens Act to end overfishing for gag grouper and vermilion snapper, the Council was scheduled to approve Amendment 16 to the Snapper Grouper Fishery Management Plan during its June meeting in Orlando. The approval would have come nearly one year to the date from when the Council received stock assessments showing that both species were undergoing overfishing. The amendment contains management measures to end overfishing including spawning season closures for both commercial and recreational fishermen, reductions in bag limits, quotas, establishing interim allocations between recreational and commercial sectors, and bycatch reductions. Note: The Council modified a preferred alternative requiring the use of circle hooks, dehookers, and venting tools by removing the circle hook requirement. This decision was based on public input received in June.

In order to end overfishing, reductions are necessary in the harvest of both gag and vermilion snapper.

Gag

1,083,888 lbs.: Average annual landings (2004 - 2006)

694,000 lbs. - Annual landings allowed beginning in 2009

Vermilion Snapper

1,505,139 lbs. - Average annual landings (2004 - 2006)

566,179 lbs. - Annual landings allowed beginning in 2009

(*Landings are combined commercial and recreational. All pounds are in gutted weight.)

New Alternatives

However, after reviewing public input and recommendations from its Snapper Grouper Advisory Panel, the Council decided to consider additional management alternatives for the amendment, delaying approval until analysis of the new alternatives could be completed. The Snapper Grouper AP reviewed the Council's list of preferred management alternatives and, after weighing options, presented the Council with additional alternatives to consider for commercial reductions in the harvest of gag that included options for combined trip limits, monthly closures, and fishing year start dates. The Council also added an alternative to consider area specific management alternatives south of the Miami/Dade-Monroe County line affecting the Florida Keys.

The biological, economic and social impacts of the new alternatives are being addressed through a Supplemental Draft Environmental Statement (SDEIS). Comments on the SDEIS containing the four new alternatives are being accepted by NMFS until September 15, 2008. These comments will be provided to the Council. The Council also reopened the comment period for Amendment 16 and added three additional public hearings to previously scheduled public hearings in early August dealing with rock shrimp issues. Copies of the SDEIS that includes the specific language for the new alternatives can be found at www.safmc.net.

Public Comment

Throughout the public comment period and public hearings, fishermen consistently expressed their concerns about the impacts of the management alternatives, particularly opposing a proposed 4-month closure for shallow-water grouper (gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney), one of the Council's preferred management alternatives to address overfishing of gag. Shallow water species are included in the seasonal closure for gag to reduce likely discards and bycatch mortality for gag while targeting these other groupers and to provide some reduction in overfishing for red grouper and black grouper.



Charter and headboat operators in Florida have called the Council's proposal for a 4-month closure of shallow water grouper to help end overfishing for gag, as well as black grouper and red grouper "devastating" for their business.

"Due to the new mandates of the [Reauthorized] Magnuson-Stevens Act, this well regulated and reasonably controlled grouper fishery may be closed to everyone for four months," said Captain Brock Anderson, a charter operator from Cape Canaveral, FL. "For the charter/headboat sector, a grouper closure would be devastating. Race Week, Bike Week, spring break - general winter tourism during this time frame is our bread and butter. 80 percent of my business and 100 percent of every party boat's business on this coast is bottom fishing. We must be allowed to give our customers a chance to catch and keep a fish." Like many fishermen, Captain Anderson supported reductions in bag limits but adamantly opposed a complete closure for four months.

The majority of fishermen spoke about the impacts of fuel costs in reducing fishing effort for both commercial and recreational fisheries. "This is a double-edged sword for both my charter business and also our marina," said Captain Dennis Young, owner of Sea Adventures Charters and general manager of Jacksonville Marina in Jacksonville, Florida. "The cost of fuel and the ability of a person to not go out and be able to catch a fish and bring it back is going to slam the door on the marina operations."

Video copies of the public hearing comments and all written comments on Amendment 16 and the SDEIS will be provided to the Council prior to making a decision regarding the approval of Amendment 16. Additional information on Amendment 16 and the September Council meeting, including briefing book materials, can be found at www.safmc.net.

A Public Comment Session for Snapper Grouper Amendment 16 is scheduled for Thursday, September 18, 2008 at 3:00 PM. Copies of the document are available at www.safmc.

Preferred Management Alternatives for Snapper Grouper Amendment 16

Gag Grouper

Define **interim allocations** based upon landings at 51% commercial and 49% recreational. This alternative would establish a commercial quota of 353,940 pounds and a recreational allocation of 340,060 pounds;

Spawning season closure January through April for both commercial and recreational sectors; no fishing for and/or possession of gag would be allowed. *In addition,* no fishing for and/or possession of the following species would be allowed: black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney (shallow water groupers);

Establish a directed commercial quota of 352,940 pounds (quota after post-quota bycatch mortality has been subtracted) for 2009 onwards until modified. After the commercial quota is met, all purchase and sale of shallow water groupers would also be prohibited

Reduce the 5-grouper aggregate recreational bag limit to a 3-grouper aggregate bag limit, reduce the existing bag limit from 2 gag or black grouper to 1 gag or black grouper within the grouper aggregate bag limit, and **exclude the captain and crew on for-hire vessels from possessing a bag limit for groupers.**

Vermilion Snapper

Define **interim allocations** based upon landings of 68% commercial and 32% recreational. This alternative would establish a commercial quota of 385,002 pounds and a recreational allocation of 181,177 pounds;

Establish a directed commercial quota of 328,002 pounds for vermilion snapper based on an interim allocation of 68% commercial and 32% recreational. After the commercial quota is met, all purchase and sale is prohibited and harvest and/or possession is limited to the bag limit;

Divide the directed vermilion snapper commercial quota into seasons. Allocate the directed commercial quota 50% to the period January 1st through June 30th and 50% to the period July 1st through December 31st. Any remaining quota from period 1 would transfer to period 2. Any remaining quota from period 2 would not be carried forward;

Adjust the recreational bag/size limit and establish a recreational closed season; no fishing for and/or possession of vermilion snapper would be allowed during the closed season; and captain and crew on for-hire vessels would not be able to retain vermilion snapper. Preferred: **Reduce the bag limit from 10 to 4 vermilion snapper** and a **seasonal closure (no fishing for and/or possession) October through May 15th.**
(*Note: all pounds are in gutted weight)*

Other Actions:

Reduce recreational and commercial bycatch mortality of snapper grouper species by **requiring venting and dehooking tools** when using natural baits. Allow the NMFS Regional Administrator (RA) to make **adjustments to management measures.** This will allow the NMFS RA to make adjustments based on the new vermilion snapper SEDAR benchmark assessment that will be finalized in December 2008.

Interim Rule Proposal Could Close Red Snapper Fishery to End Overfishing

Rule may also implement harvest reductions in gag grouper, vermilion snapper, black grouper and red grouper by early 2009



The red snapper fishery could be closed for both commercial and recreational fishermen if the Council moves forward with an Interim Rule to address overfishing.

It was anticipated that the news would not be good. Preliminary indications from the Southeast Data, Assessment, and Review (SEDAR) stock assessment workshops for red snapper were pointing to a stock status that no one wanted to hear – overfishing was occurring at a rate far higher than anticipated and the stock was severely overfished. In May, the Council held public scoping meetings on an amendment to deal specifically with ending overfishing for red snapper. The public scoping document for proposed "Amendment 18" included several options, including closing the red snapper fishery.

In June, the Council received confirmation from its Scientific and Statistical Committee (SSC) that the SEDAR stock assessment was sound and could be used for management purposes. According to the assessment, the Council needs to reduce the harvest of red snapper by at least 87% in order to end overfishing and rebuild the stock. This reduction in harvest includes landings *and* the estimated bycatch mortality. The SEDAR assessment estimates discard mortality rates (the amount of fish that die when released) of 40% for recreational fishermen and 90% for commercial. The higher rate for commercial fishermen is attributed to fishing techniques including fishing in deeper waters.

> **"...overfishing has been occurring since 1960 at about 14 times the sustainable level."**
> SEDAR 15 Red Snapper Stock Assessment Report

After reviewing public comment received during the scoping meetings and discussing options for addressing the overfishing, the Council determined that instead of addressing the level of overfishing for red snapper through a separate amendment to the Snapper Grouper Fishery Management Plan (FMP), it would consider the use of an "Interim Rule" to expedite getting management measures into place. Under the Magnuson-Stevens Fishery Conservation and Management Act, the Council has one year to develop management measures to end overfishing. The Magnuson-Stevens Act also allows for the use of an Interim Rule, a temporary measure to allow the implementation regulations for 180 days to end overfishing. Measures used in the Interim Rule can be extended for an additional 186 days if necessary while the Council develops more long-term management options through the amendment process.

The Council approved a motion to request the National Marine Fisheries Service's Southeast Regional Office develop language for an Interim Rule "closing the harvest of red snapper and to implement reductions

(Continued page 6)

Interim Rule *(Continued from page 5)*

in fishing mortality as specified in the preferred alternatives in Amendment 16 (see alternatives listed on page 5) for gag grouper, vermilion snapper, black grouper, and red grouper," with the intent that this language be brought before the Council in September for consideration. An Interim Rule can only be used to address overfishing.

Rather than continue to address red snapper in a separate amendment (as proposed earlier through "Amendment 18"), the Council decided to include long-term management measures for red snapper as part of Amendment 17 to the Snapper Grouper FMP. Amendment 17 will set Annual Catch Limits and Accountability Measures to address overfishing for 10 species in the snapper grouper management complex currently experiencing overfishing (including red snapper) by 2010, as outlined in the Reauthorized Magnuson-Stevens Act.

Conflicting Observations

During public comment periods, fishermen from northern Florida and Georgia repeatedly reported that red snapper fishing was improving, with fishermen catching more and larger fish. "Since 1992, we implemented this twenty-inch minimum and at that time, I was thinking I had a better chance of finding a unicorn than a twenty-inch snapper and so I didn't care," said Captain Scott Reynolds, a charter operator from Jacksonville, Florida. "Since then, our customers have supported us and they've gone along with the throwbacks, acknowledging that this is all in trying to replenish the stocks of fish. We've had banner years the last several years and now that we've got the fish, I get to tell them, sorry, folks, but you can't keep them and I just don't even see where that's fair to anybody, to our residents or to visitors alike. A lot of people are depending on these fish." Similar reports were heard during public hearings in August.

"The bulk of landings of red snapper come from the recreational fishery, which have exceeded the landings of the commercial fishery by 2-3 fold over the assessment period. Total landings were variable, with a downward trend through the 1990s."
SEDAR 15 Red Snapper Stock Assessment Report

Council members acknowledged the fishermen's reports and questioned members of the SSC about how the observations from fishermen could conflict with the overfishing levels given in the updated stock assessment. "I believe the assessment indicates that abundance has been approximately doubled over the past twenty years or fifteen years. It does agree with the anecdotal evidence that there are more out there than before," said Dr. Andy Cooper, SSC member. "However, relative to how many there used to be forty years ago, we're still way away."

"When you read the assessment and you look at these upticks in abundance that have been observed lately, they are consistent with strong year classes that would be just entering the fishery right now," added Dr. Luiz Barbieri, Vice-Chair of the SSC. "The concern, from our point of view, is what's behind those to support this biomass increase."

Dr. Barbieri explained that stock assessments are conducted for the stock as a whole and encompass the entire distributional range of a species. The species do not distribute themselves randomly over habitat, but will aggregate in smaller areas. "Because the catch rates will be high, the perception is the abundance levels are high, but when you look at the biomass of the stock relative to the benchmark we're using for the stock as a whole, it is still below what it should be."



Photo: Gregg Swanson

Fishermen have reported abundant, large red snapper off the coasts of Northeast Florida and Georgia. The Council's Scientific and Statistical Committee (SSC) attributes those landings to two strong year classes in the 1990's, but say there is little evidence to show there is anything following these year classes. The SSC concurred that overfishing is still occurring at a very high rate and the biomass is at a "critically" low level.

"I am absolutely convinced that the number of red snapper that we're seeing out there right now are a direct result of these very strong 1998 and 1999 year classes," said Council Vice-Chair Duane Harris from Georgia. "The science suggests that that's what is causing this population of red snapper that are available to the fishermen right now. I've seen nothing that indicates that there's anything coming behind those year classes right now. I don't disagree with what the fishermen are saying, but they're just not

"For the most part, compliance with the rules is voluntary. This partnership depends on the trust and confidence of the angling public that the fisheries [council] will enact scientifically-responsible, fair policies. I'm not endorsing or encouraging breaking fishing regulations, but when you make rules depending on 90 percent of the angling public obeying them voluntarily, you can predict the results. Once you get a situation where the angling public has lost trust in the fisheries council and ignores the rules, you will lose the handle on being able to manage these fisheries forever."
John Barber, recreational fisherman from Orlando, FL speaking during public comment in June

Interim Rule ***(Continued)***

understanding the entire picture," said Vice-Chairman Harris. "I feel very good about the advice that's been given to us by our scientific community and think this is the right action to take at this time."

Council member Tom Swatzel, a charter operator from Murrells Inlet, SC disagreed with the use of an Interim Rule to address overfishing, citing the consequences of "eroding the confidence of fishermen in the fishery amendment process when an expedited interim rule is used to bypass the normal way fishery regulations are considered ." Mr. Swatzel reiterated the negative economic impacts of the immediate reductions coupled with fuel prices and a weakening economy that already appear to be reducing fishing effort.

Other Council members said they were torn in making a decision. "I hate to go this direction, but I think if we're to perform our duties as charged under the Magnuson Act that we have got to take the measures to end overfishing," said Council member Susan Shipman, after pointing to the assessment showing fishing mortality at fourteen times what it should be for a number of years.

The Council will review the language in the Interim Rule and determine how to proceed during its September meeting. If approved by the Council, the Interim Rule will be reviewed by NMFS and regulations may be implemented by January 1, 2009.

Public Comment Session for the Interim Rule
Thursday, September 18, 2008
immediately following the comment period on Snapper Grouper Amendment 16 beginning at 3:00 p.m.

Comment Period Extended on Proposed Rule to Revise National Standard 1 Guidelines

Guidelines include Annual Catch Limits (ACLs) and Accountability Measures (AMs) for Ending Overfishing

National Standard 1

"Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry."
– MSA Section 301(a)(1)

The National Marine Fisheries Service has extended the public comment period for proposed revisions to National Standard 1 guidelines on how to comply with new Annual Catch Limits (ACLs) and Accountability Measures (AMs) as outlined in the Reauthorized Magnuson-Stevens Act. The comment period has been extended from September 8, 2008 to **September 22, 2008.**

Annual catch limits are the amount of each type of fish allowed to be caught in a year and are required by the 2007 amendments to the Magnuson-Stevens Fishery Conservation and Management Act. Additionally, the act calls for measures to ensure these limits are followed and that the limits do not exceed the scientific recommendations made by the regional fishery management councils' scientific committees.

The guidelines propose to set up a system of catch limits and targets for each stock to prevent overfishing. The system would account for scientific uncertainty in estimating catch limits for a stock, and include accountability measures to prevent annual catch limits from being exceeded, and to address such a situation quickly if it does occur.

Annual catch limits will be required for all U.S. commercial and recreational fisheries subject to overfishing by 2010, and all other stocks by 2011. NOAA hopes to issue final guidelines on annual catch limits by the end of 2008.

"Annual catch limits for fish stocks will help the nation meet the call by the president and Congress to end overfishing," said Jim Balsiger, NOAA acting assistant administrator for NOAA's Fisheries Service. "They will help sustain and recover stocks that provide the nation with valuable seafood and recreational opportunities, as well as benefits to the ocean environment."

"Ending overfishing on these stocks and preventing overfishing from occurring on others is critical to maintaining and rebuilding our valuable fisheries resources," said Balsiger. "The economic, recreational and ecological stakes are high."

U.S. fisheries contribute more than $35 billion annually to the economy and an estimated $20 billion is spent on recreational fishing activities each year. The proposed guidelines may be viewed online at http://www.nmfs.noaa.gov/msa2007/.

Snapper Grouper Amendment 17 - *Meeting the mandates of the reauthorized Magnuson-Stevens Fishery Conservation and Management Act to end overfishing*



The Council must comply with the reauthorized Magnuson-Stevens Act to set Annual Catch Limits (ACLs) and Accountability Measures (AMs) for 10 of the 73 species in the snapper grouper management complex currently known to be undergoing overfishing by 2010. These species include red snapper, snowy grouper, golden tilefish, and others.

An options paper for Amendment 17 will be reviewed by the Council in September. *How are ACLs and AMs determined? What measures can be used to achieve Annual Catch Targets (ACTs)? What are "Accountability Measures" and how will they affect commercial and recreational fisheries? How will bycatch be addressed in ending overfishing?* We'll focus on ACLs and AMs - and measures in Amendment 17 and how they will impact fisheries in the next issue of the ***South Atlantic Update***.

Understanding Stock Assessments and the SEDAR Process *(Part II)*



John Carmichael

An interview with John Carmichael,
Science and Statistics Program Manager

(Note: This is the second in a 2-part *Q and A* article. The first part is featured in the Spring 2008 issue of the *South Atlantic Update.)* During public scoping meetings, public hearings, and nearly any other time fishermen are gathered to discuss fishery management issues, some of the same questions keep popping up. So I've asked John Carmichael, as the Council's Science and Statistics Program Manager, to help answer some of the more commonly asked questions. John has spearheaded the Southeast Data, Assessment, and Review (SEDAR) program, assuming the role as coordinator in 2003 after working with the NC Division of Marine Fisheries as a stock assessment scientist. He has a knack for taking very complicated information and bringing it to a level that is easily understood. *Kim Iverson, Editor*

Questions from Part 1:

(1) Why SEDAR? How is this process different than the way stock assessments have been done in the past?
(2) How can a stock be overfished or undergoing overfishing when what we're seeing on the water are more and bigger fish?
(3) Where do the data used for stock assessments come from?
(3) What/who determines when stock assessments and updates are scheduled?

Note: Copies of the Spring 2008 issue of the *South Atlantic Update* containing these questions and answers can be found online at www.safmc.net or requested through the Council office.

Q. It seems that every assessment finds stocks overfished and/or undergoing overfishing. How can that be? Is there ever any good news?

A. It is understandable that many fishermen believe all assessments contain bad news, because it is indeed true that many recent assessments have determined that either overfishing was occurring or the stocks were overfished. Of the 14 South Atlantic stocks assessed through SEDAR, only 5 of them (35%) have been found to be neither overfished nor experiencing overfishing. These exceptions are yellowtail snapper, spiny lobster, greater amberjack, king mackerel, and mutton snapper.

Does this imply that only 35% of the 73 species managed by the Council are neither overfished nor overfishing? No. It is simply a function of the underlying justification for choosing which stocks to assess since SEDAR began. Selection of species for assessment has so far been primarily based on concerns regarding stock status. Such concerns may be raised by fishermen or managers, they may be related to declines in catches, or they may be related to prior assessments that determined a stock was overfished or overfishing. Regardless of the reason, the point is that the stocks assessed so far were not chosen at random. With many stocks to assess and limited time and resources, the focus is on the known problem areas.

A good analogy can be made by considering the health of people found in a doctor's office. Most people go to a doctor when they have some concern regarding their health, though there may be a few who are waiting for a regular check-up. A sample from the waiting room may show 80% sick people, but does this imply that 80% of the people in the town are sick? No, it is simply a function of where the sample was taken, and a sample from a Doctor's office is obviously not representative of the population as a whole with regard to health of an individual.

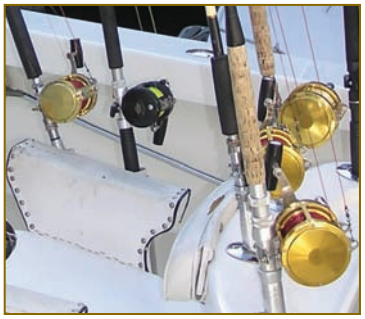
The same thing occurs with the number of stocks found to be overfished or overfishing. Assessed stocks were not selected at random. The focus instead has been primarily to assess those stocks previously determined to be overfished or experiencing overfishing. Thus it is not surprising that many of the assessments have reached similar conclusions.

Q. I've been fishing for a long time and have a lot of personal data that I can share. Why can't that information be used? How can fishermen get involved in the stock assessment process?

A. Personal data can be used, and such information is considered in the SEDAR process when provided. However, it must meet certain data standards, just as any other source of information. The standards include things such as reporting of the same variables over time, recording numerical values consistently over time, and including information that allows placing the observations into the proper place over time and space. As with all data sources, such information must also be digitized, or entered into an accessible dataset.

Individual data are most useful when they address a need or a gap in the existing sources. As noted above, catch records are provided by logbooks and trip tickets, so personal records of landings likely duplicate information already provided. However, if those records provide insight into the actual species that were reported on a logbook as an aggregation such as 'unclassified snappers', then they provide details that fill a gap in the existing information and are very likely to be directly included when the scientists try to determine the species composition of 'unclassified snappers'. Another important use is for discard estimation.

The Marine Recreational Fisheries Statistics Survey is currently being restructured to improve data collection. Recreational fishermen across the country have been involved in the development of the new Marine Recreational Information Program (MRIP). For more information, visit http://www.st.nmfs.noaa.gov/st1/recreational/index.html.



Personal records that include what *(Continued next page)*

was caught and thrown back in addition to what was kept and ultimately landed are extremely valuable to the assessment process. Finally, a long time series of thorough personal catch records reflecting fishing with consistent methods in a particular area can be used as an indication of population trend in much the same manner as a scientific survey.

Many fishermen state that their observations are rejected because they are 'anecdotal', and not 'data'. It should be kept in mind that the difference between anecdote and data is the act of recording events as they happen and the distinction between numerical measurements and qualitative statements. Scientific surveys are based on 'data' that are recorded at the time the sample is taken, not on the scientist's recall of whether catches in one year were better or worse than those of another year.

Nonetheless, in specialized instances assessments have considered anecdotal information. The most prevalent example is when scientists are trying to establish when significant fishing began for a particular species so that they can determine when the stock was at an 'unfished' condition. Another example is when scientists are evaluating the reliability of historical catch records, such as those predating trip tickets or the MRFSS. Anecdotal information is also valuable when trying to establish an overall discard mortality rate from studies that may not match the directed fisheries with regard to fishing area, techniques, or handling.



Though they may not realize it, all fishermen are involved in the assessment process by virtue of their participation in both voluntary and mandatory data collection programs. They can assist by completing catch reports accurately and as completely as possible. They can assist by cooperating with the port samplers who ask to see and measure their catches. They can assist by cooperating with observer programs and allowing observers on their vessels. They can assist by supporting electronic logbooks and VMS systems that would greatly improve our understanding of how they fish, where they fish, how long they actively fish, and where they catch the different species that appear in their landings at the end of a trip.

They can support data collection programs that might require more of their valuable time and effort. They can take advantage of the Cooperative Research Program and work with scientists to conduct research of critical issues. They can serve on Council Advisory Panels**,** and they can participate in SEDAR workshops.

Q. We keep hearing that better data is needed for stock assessments. What is needed and how do we get it?

A. The primary assessment data needs in the Southeast Region are fairly simple. Accurate and reliable assessments require accurate and reliable catch records; thorough biological sampling to characterize the age, length, weight and sometimes sex composition of catches; and measures of population abundance and trends obtained through fishery-dependent catch-per-unit effort evaluations or fishery-dependent scientific surveys. Catches need to reflect both landings, which are easy to obtain, and discards, which are notoriously difficult to obtain. There is a critical need to find ways of determining the size composition of discarded fish, especially within those fisheries that cannot be easily sampled by on-board observers. Supporting research needs to be conducted to define stocks, describe reproductive characteristics, evaluate age and growth characteristics and trends in age and growth over time, and determine gear-specific discard and discard mortality rates. Obtaining the necessary data will require more resources, greater reliance on technology, and cooperative action on behalf of the scientists, the managers, and the fishermen. However, since securing unlimited resources is an unrealistic expectation, we must be willing to prioritize our biological sampling efforts and scientific survey resources so that we have reliable information on the most important fisheries. We must all accept that some species in the Southeast are rare and will never be sampled or monitored with great precision, though they still must be managed according to the requirements of the Magnuson-Stevens Act.



Amber VonHarten

Biologist record data from species collected during a recent MARMAP (Marine Resources Monitoring, Assessment, and Prediction) research cruise. Fishery independent data collection programs such MARMAP, the only such program in the South Atlantic, must have funding commitments to gather long-term data useful for fisheries management.



SCDNR

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Amendment 15B - Bag Limit Sales *(Continued from page 1)*

Council's decision until it met again in June. An additional public comment period was held on the SDEIS. The SDEIS estimates current annual bag-limit sales make up approximately 17% of total snapper grouper sales, or approximately 1.5 million pounds valued at an estimated $2.6 million (nominal ex-vessel value).

According to Dr. Stephen Holiman, an economist with the National Marine Fisheries Service (NMFS) who presented the Supplemental DEIS data during the June meeting, within the federal for-hire fleet (charter and headboats) there was an average of 159 vessels per year with recorded snapper grouper sales. An average of 1,439 vessels that could not be associated with either a commercial or for-hire federal snapper grouper permit, reported sales of snapper grouper species. During that same time period, the number of commercial permits averaged 927 with 717 commercial vessels reporting landings. "So over this period of time, on an average per year, there were over *twice* as many vessels engaged in selling bag limit quantities of fish as there were operating in the federal commercial snapper grouper fishery," reported Dr. Holiman.

Approval of Amendment 15B did not come about without controversy. Most federally permitted commercial fishermen have supported the amendment, arguing that the bag limit sales count directly against already shrinking commercial quotas. These fishermen cite reductions in quotas for snowy grouper and other species through Amendment 13C and anticipated future reductions for commercial quotas. Other fishermen have voiced their opposition to ending the bag limit sales provision, especially those associated with the for-hire sector. Fishermen who fish commercially at the state level but do not possess a federal permit also expressed opposition. The public had a final opportunity to address the Council regarding their concerns about the impacts of bag limit sales before a final decision was made to approve the amendment in June. Snapper Grouper Amendment 15B was submitted for approval by the Secretary of Commerce in July 2008.

As part of the review process, NMFS will hold an additional public comment period. It is unknown at this time how long the review process will take and when the regulations proposed in Amendment 15B will go into effect. The comment periods will be announced by NMFS via Fishery Bulletins issued from the Southeast Regional Office and posted at: http://sero.nmfs.noaa.gov/ and also available on the Council's web site at www.safmc.net.



Council Member Appointments *Continued from page 2)*

man from 1995-1996 and again from 2002-2004. Previously he served on the Council's Snapper Grouper Plan Development Team and Scientific and Statistical Committee, including a term as SSC chairman.

During his time in fisheries management, David says he is seeing more interaction among the different management groups and with fishermen. "This cooperation is absolutely essential to managing fisheries, which have become more complex over time."



Members of the South Atlantic Fishery Management Council represent diverse interests, including commercial and recreational fisheries, as well as environmental, academic and other perspectives from each of the four southeastern states. Appointed members serve three-year terms and are appointed by the Secretary of Commerce from lists of nominees submitted by the governors of the states.

Learn more about Council members at www.safmc.net

Law Enforcement At Work

Seven men charged in 57-count indictment in seafood investigation



A two-year investigation by the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA), the Florida Fish and Wildlife Conservation Commission (FWC) and the United States Attorney's Office involving marine species illegally caught in Florida and shipped out of state has resulted in a 57-count federal indictment against seven individuals.

The indictment, returned in U.S. District Court in Albany, Georgia, details how five Panhandle fishermen and seafood dealers and two Georgia brothers allegedly conspired to transport a variety of marine fish illegally across state lines from Florida to Georgia, mislabeled fish and falsified documents.

U.S. District Attorney Maxwell Wood said the indictments are only accusations, and the accused are presumed innocent until proved guilty at trial. The multi-count indictment alleges Guy and James Stovall, owners of Road Runner Seafood Incorporated in Colquitt, Georgia, worked with fishermen and two seafood dealers in Florida to purchase fish illegally taken or fish that cannot be sold in Florida. They also are charged with mislabeling the fish that must be reported to the FWC and NOAA.

Most of the violations involve the federal Lacey Act, which prohibits interstate shipment of fish or wildlife taken in violation of state law. Each Lacey Act violation carries a possible five-year prison term and a $250,000 fine. "This is one of the most far-reaching undercover operations on the northern Gulf Coast during the past 20 years," said Capt. Leroy Alderson, FWC regional investigations supervisor. "Laws exist to protect marine resources, but the investigation showed pretty blatant efforts to bypass those laws for profit."



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SAFMC Meeting Dates and Locations 2008 Schedule

March 3-7, 2008
Jekyll Island Club Hotel
371 Riverview Drive
Jekyll Island, GA 31527
Phone: 1-800-535-9547

June 8-13, 2008
Renaissance Orlando Hotel Airport
5445 Forbes Place
Orlando, Florida 32812
Phone: 1-800-228-9290

September 15-19, 2008
Charleston Marriott Hotel
170 Lockwood Boulevard
Charleston, SC 29403
Phone: 1-800-968-3569

Nov 30-Dec 5, 2008
Hilton Wilmington Riverside
301 N. Water Street
Wilmington, NC 28401
Phone: 1-888-324-8170

Acronyms

ABC - Allowable Biological Catch

ACCSP - Atlantic Coast Cooperative Statistics Program

AP - Advisory Panel

ASMFC - Atlantic States Marine Fisheries Commission

BRD - Bycatch Reduction Device

CPUE - Catch Per Unit Effort

EEZ - Exclusive Economic Zone

EFH - Essential Fish Habitat

EFH/HAPC - Essential Fish Habitat/ Habitat Area of Particular Concern

FMP - Fishery Management Plan

HMS - Highly Migratory Species

ITQ - Individual Transferable Quota

LAP - Limited Access Privilege

MSY - Maximum Sustainable Yield

MRFSS - Marine Recreational Fishing Statistics Survey

NMFS - National Marine Fisheries Service

OY - Optimum Yield

SEDAR - Southeast Data, Assessment, and Review (stock assessment process)

SSC - Scientific & Statistical Committee

SFA - Sustainable Fisheries Act

TAC - Total Allowable Catch

VMS - Vessel Monitoring System

South Atlantic Fishery Management Council Meeting

September 15-19, 2008

Charleston Marriott
170 Lockwood Boulevard
Charleston, SC 29403
Phone: 800/968-3569 or 843/723-3000

For a detailed agenda contact the Council office toll free at 1-866 SAFMC-10 or 843/571-4366. The agenda is also available on the Council's web site www.safmc.net

MEETING AGENDA

Monday	**1:00 - 5:30**	**Joint Golden Crab and Deepwater Shrimp Advisory Panel Meeting**
-Concurrent Session -		
	1:00 - 2:30	**Council Session - Report from Allocation Committee**
	2:30 - 4:00	**Joint Exec/Finance Committee Meeting**
	4:00 - 5:00	**SOPPs Committee Meeting**
	5:00 - 6:00	**AP Selection Committee Meeting** *(Closed)*
Tuesday	**8:00 - 12:00**	**Ecosystem-based Management/Habitat Committee Meeting**
	1:30 - 2:30	**Shrimp Committee Meeting**
	2:30 - 3:30	**Spiny Lobster Committee Meeting**
	3:30 - 5:00	**Snapper Grouper Committee Meeting**
Wednesday	**8:00 - 5:00**	**Snapper Grouper Committee Meeting** *(continued)*
	5:00 - 6:00	**SEDAR Committee Meeting**
Thursday	**8:00 - 9:00**	**Allocation Committee Meeting**
	9:00 - 10:00	**LAPP Committee Meeting**
	10:00 - 12:00	**Dolphin Wahoo Committee** *(All Council members)*
	1:30 - 6:00	**Council Session**
	2:00 PM	*Public Comment Session Begins*
Friday	**8:00 - 12:30**	**Council Session**

2008

Mark your calendar...

September 15-19 — ***South Atlantic Fishery Management Council Meeting***
Charleston, SC www.safmc.net

October 14-16 — ***Mid-Atlantic Fishery Management Council Meeting***
Kill Devil Hills, NC www.mafmc.org

October 19-23 — ***Atlantic States Marine Fisheries Commission Meeting***
Rehoboth, DE www.asmfc.org

October 27-31 — ***Gulf of Mexico Fishery Management Council Meeting***
Mobile, AL www.gulfcouncil.org

Oct 27 - Nov 3 — ***SAFMC Public Hearing Series - Fishery Ecosystem Plan and Comprehensive Ecosystem Amendment***
Key Largo, FL to New Bern, NC www.safmc.net

South Atlantic Fishery Management Council Meeting
September 15-19, 2008
Charleston, SC

NOTE: **Public Comment Scheduled for September 18, 2008**
2:00 p.m. - Shrimp Amendment 7
2:30 p.m. - Spiny Lobster Generic Import Amendment
3:00 p.m. - Snapper Grouper Amendment 16
Interim Rule/Possible Red Snapper Closure - comment period to begin immediately after Amendment 16
See inside for details

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