



South Atlantic Council Issues

Review and Discussion

November 18, 2015

Florida Fish and Wildlife Conservation Commission

Division of Marine Fisheries Management

This is a review and discussion of actions and discussions from the South Atlantic Fishery Management Council's (Council) September 14-18 meeting in Hilton Head, SC.

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Proposed Spawning Special Management Zones (SMZs)



Protected areas for spawning aggregations of snapper and grouper

- Fishing for snapper grouper species and anchoring would be prohibited
- Proposed to be finalized early 2016
- Sunset clause to encourage spawning research inside SMZs

Warsaw Hole

- Site proposed for a Spawning SMZ designation off Florida
- Fishermen had observed Warsaw grouper aggregations at this location
- Final Action March 2016



Direction requested on establishment of Spawning SMZ at Warsaw Hole

The Council is proposing the establishment of Special Management Zones (SMZs) to protect spawning habitat and spawning aggregations of snapper and grouper species. These SMZs are intended to prevent harvest and reduce bycatch of snapper and grouper, including Warsaw grouper, in known or suspected spawning locations by prohibiting all bottom fishing, possession of snapper grouper species, and anchoring within the SMZ boundaries.

Based on input from stakeholders and scientific research, several sites off Florida, Georgia, and the Carolinas are being considered for SMZ designation. The Council has identified their preferred locations for the establishment of the SMZs. Each proposed site is relatively small (1 to 5 square miles in area), because they are meant to protect a specific spawning habitat.

While spawning has been documented at some of the Council's proposed sites, others were proposed because of either anecdotal accounts of harvesting fish in spawning condition or the physical structure of the sea floor. As the Council's intent is only to close areas where fish spawn, they have proposed including a sunset clause where the SMZ designation for these sites could expire after five, seven, or 10 years (the Council is considering all three timeframes). If research shows that spawning occurs within an SMZ before the sunset clause expires, the Council would reauthorize the SMZ designation. If there is no scientific evidence of spawning, the area would re-open to fishing for snapper and grouper.

The Council has proposed establishing one SMZ off Florida at a location known as Warsaw Hole, which is southwest of the Marquesas and 35 miles west-southwest of Key West. (The red square on the map represents a 4-square-mile area around Warsaw Hole.) The Council's Marine Protected Area Expert Workgroup recommend this area for protection because of historical anecdotes from fishermen of Warsaw grouper aggregations at the site and fish in spawning condition have been caught there. Amberjack are also believed to aggregate and spawn at Warsaw Hole. The area is known habitat for black grouper; scamp; and silk, blackfin, red, and vermilion snappers.

Staff requests direction on establishing an SMZ with a sunset clause at Warsaw Hole and the appropriate size for an SMZ at the site. The Council will take final action on this in March 2016.

Warsaw Grouper



- Vulnerable to overfishing, but stock status unknown
- Large and long-lived species
- Harvest prohibited in Atlantic federal waters
- Former "240-foot closure"
 - Prohibited fishing for snapper grouper species in water deeper than 240 feet
 - Implemented in 2011 to reduce bycatch of Warsaw grouper
 - Repealed in 2012
 - Council considering protecting spawning aggregations of Warsaw grouper by establishing SMZs instead

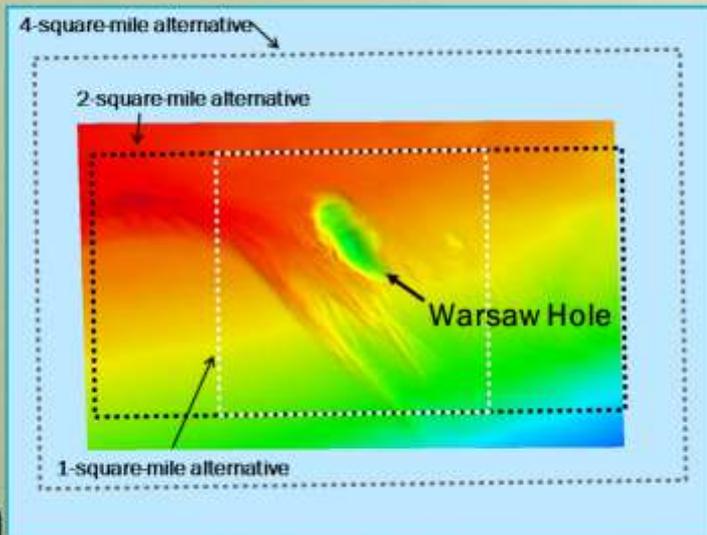


There are two species, in particular, that the Council would like to protect with SMZs: Warsaw grouper and speckled hind. The Council is interested in Warsaw Hole because of its potential to protect spawning Warsaw grouper. The Council is concerned about Warsaw grouper because the species life history characteristics make it vulnerable to overfishing and the current stock status is unknown.

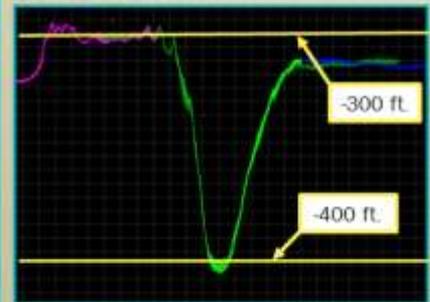
Warsaw grouper are large, long-lived fish that may grow up to 7 feet in size and weigh over 500 pounds. The species inhabits irregular bottom, notches, valleys, and drop-offs, at depths of 180 to 1,700 feet. Occupying deep waters makes Warsaw grouper susceptible to barotrauma and associated high release mortality.

The Council prohibits harvest of Warsaw grouper in federal waters of the Atlantic. However, fishing mortality can still occur due to barotrauma if the fish is caught incidentally. The Council had attempted to reduce bycatch of Warsaw grouper by prohibiting bottom fishing for snapper grouper species in depths greater than 240 feet, an action known as the 240-foot closure. The Council repealed the 240-foot closure in 2012, and is proposing to protect Warsaw grouper, and other snapper grouper species, through the establishment of SMZs to ban bottom fishing at some spawning sites, like Warsaw Hole, instead.

Warsaw Hole Feature



Depth Profile



At Warsaw Hole, the depth drops suddenly from 300 feet to over 400 feet, which provides the physical relief and vertical habitat preferred by Warsaw grouper. A strong current generally runs from west to east through this area. Snapper and grouper are known to spawn in locations with similar bottom topography and current. In the multicolored image of the sea floor on the left, red represents shallower depths while green and blue represent deeper depths. Warsaw Hole lies in the middle of the image, and is indicated by the area where red/orange transitions quickly to green. The hole is the shape of an oblong oval that tilts down from left to right. The depth profile of Warsaw Hole is shown in the diagram on the right.

There are three alternatives for the size of the closed area around Warsaw Hole: 1, 2, and 4 square miles. The Council has indicated that they prefer the smallest alternative of 1 square mile because there are commercial snapper grouper fishermen that fish in this area. However, based on the depth of the site and the strength of the current, a fisherman could potentially anchor and set their gear outside of the Spawning SMZ, but still fish inside Warsaw Hole. Because of this, the other alternatives for a 2- or 4-square-mile Spawning SMZ may be more appropriate to protect spawning fish within Warsaw Hole. The Council's Snapper Grouper Advisory Panel (AP) supported the establishment of a 2-square-mile SMZ around Warsaw Hole and staff agrees with the AP's recommendation. Staff is requesting Commission guidance on which alternative for Spawning SMZ size at Warsaw Hole to support.

Dolphin Commercial Trip Limit



Jun 30, 2015: first-ever commercial closure

- Long-line fleet harvested more fish and took more trips
- Estimated lost opportunity for Florida's fishermen: 65,000 lbs. and \$260,000

Atlantic commercial fishery

- Effort traditionally dominated by hook and line with low landings per trip
- Florida's fishermen want year-round access to the fishery

Council considering trip limits to extend the commercial season past peak of May-June

- Implementation of trip limit after a portion of the quota has been harvested
- Potential trip limits ranging from 1,000 to 4,000 lbs.
- Final action in December



Direction requested on supporting commercial trip limits for dolphin fishery



On June 30, 2015, for the first time ever, the Atlantic commercial dolphin fishery closed in federal waters because the quota was met. Federal data suggest this early closure resulted from an increased number of long-line trips landing dolphin, as well as higher than average catch per trip by long-line vessels.

The ability to fish for dolphin throughout the year is important to Florida's commercial fishermen. This in-season closure represents a loss to Florida's commercial fishermen and local economies dependent upon locally-caught, fresh dolphin. Estimates based on data from the last five years indicate that Florida's fishermen would have harvested about 65,000 pounds of dolphin after June 30, which converts to a loss of roughly \$260,000 in dockside revenue.

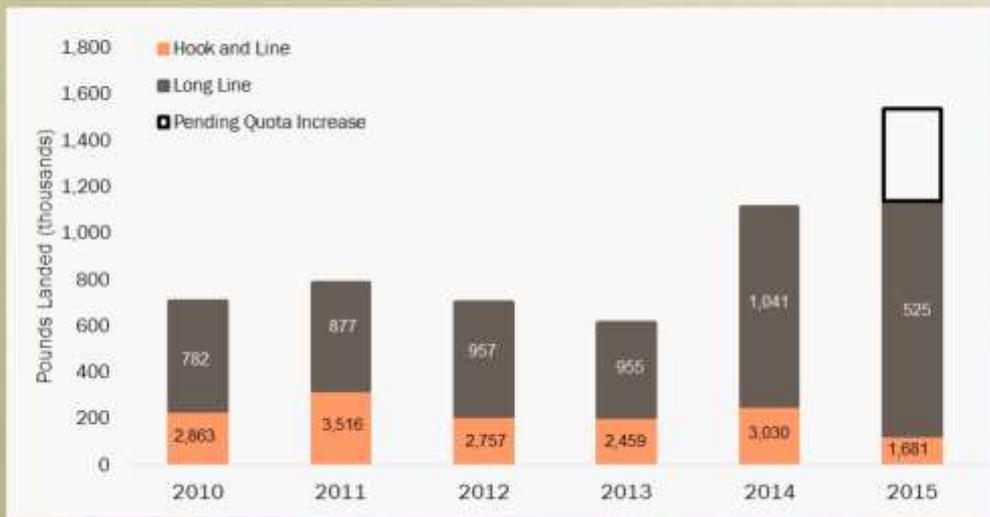
Prior to 2015, the majority of the dolphin fishermen, including those in Florida, fished with hook-and-line gear. On directed trips, hook-and-line gear produces a lower yield per trip than long-line gear, which is probably why there has not been a quota closure before. While most of Florida's dolphin harvesters do not catch high volumes of dolphin per trip, many rely on access to different fisheries, like dolphin, throughout the year.

In December 2014, the Council approved reallocation of quota from the recreational fishery to the commercial fishery. If approved by the U.S. Secretary of Commerce, the new allocations will be 10% commercial and 90% recreational, which is a 2.45% (or 377,484 pounds) increase in commercial allocation. This additional quota would have extended the 2015 commercial season; however, because of increased participation by the long-line fleet, it may not have prevented a closure.

The Council is considering implementing a commercial trip limit to control the rate of harvest and possibly prevent another quota closure. Currently, there are no trip limits for dolphin. Under the proposal, a small trip limit of 1,000-4,000 pounds would go into effect after a portion of the quota, 65-75%, had been caught. Prior to reaching that point, harvest per trip would remain unlimited. Once implemented, the trip limit would remain in place until the next fishing year. There is stakeholder support for an in-season implementation of a 2,000-pound trip limit, because it may allow the fishery to operate through the remainder of the year and ensure hook-and-line access to the resource.

This action is an expedited effort to prevent an in-season closure for 2016. At a future date, the Council will evaluate whether additional regulations for the commercial dolphin fishery are needed for 2017 and beyond. Public hearings on trip limits will be held via webinar in November and the Council is scheduled to decide on any changes during its December meeting. Staff is seeking direction on whether or not to support establishing a commercial trip limit for dolphin.

Atlantic-wide Commercial Dolphin Harvest (lbs.) by Gear, 2010-2015*



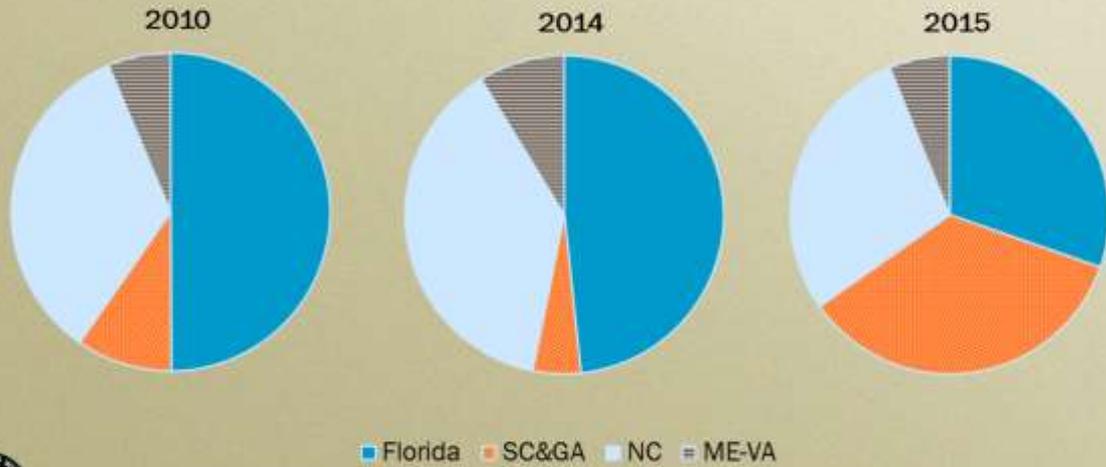
*Numbers within each bar indicate the number of trips landing dolphin for each gear.

Although long-line vessels land most of the commercial dolphin harvest, hook-and-line fishermen have had greater participation in the fishery based on number of trips. Therefore, hook-and-line fishing effort traditionally dominated the dolphin fishery. From 2010-2014, over 85% of the vessels landing dolphin in Florida used hook-and-line gear.

Long-line vessels traditionally have harvested dolphin opportunistically while targeting other species. When they set their gear to directly target dolphin, a long-line vessel may harvest as many as 38,000 pounds per trip. (Note: Long-line vessels take trips lasting up to 30 days.) When not directly targeting dolphin, long-line vessels that land dolphin usually do not harvest more than 1,000 to 1,500 pounds per trip. The 2015 increase in harvest by long-line vessels north of Florida may be attributed to changes in regulations for Atlantic tuna. New regulations have severely limited participation by the long-line fleet in the tuna fishery, which has likely changed the fishing behavior of long-line fishermen, so that they directly target dolphin. This is evidenced by higher long-line catches per trip.

The full-scale impact of the tuna regulations on the dolphin fishery is unknown because the dolphin fishery was closed on June 30, 2015, when it was estimated that the quota had been harvested. Had the reallocation of the dolphin quota been implemented before June 30, the fishery would have remained open longer, but whether that quota would have been caught by long-line or hook-and-line fishermen is unclear. Harvest that could have occurred following the pending quota increase is illustrated by the empty box stacked above long-line and hook-and-line harvest for 2015.

Commercial Dolphin Landings by Region



When looking at the overall commercial landings broken down by region, you can see that Florida's portion of the Atlantic dolphin landings have decreased in recent years. From 2010 through 2014, over 51% of all dolphin caught in the Atlantic Ocean were landed in Florida. In 2015, that figure dropped to just over 30%. It is thought that landings by the long-line fleet north of Florida disproportionately impacted Florida's fishermen.

Revision of Commercial Black Sea Bass Trap Closed Area



Proposed federal changes will:

- Restore black sea bass trap fishermen's access to the fishery during winter months
- Reduce the size of the closed area, open up deeper waters for trap fishing
- Require unique buoy-line markings for black sea bass traps
- Continue to minimize the potential for interactions between black sea bass traps and right whales
- Strongly supported by Florida's commercial black sea bass trap fishermen

Final action December 2015



Since 2013, the Council has been considering changes to the size of winter closed area for commercial black sea bass traps to allow some trapping during winter months when the fish aggregate closer to shore and the market peaks. This is the same time of year that North Atlantic right whales migrate south for calving. The current closed area (all South Atlantic federal waters) was initially implemented to prevent interactions between the trap fishery and right whales; however, the Council believes that the size of the closed area is larger than necessary.

At the September meeting, the Council selected their preferred alternative, which would allow black sea bass traps to be fished in waters deeper than 25-30 meters (varies along the coast) from Nov. 1 through April 30. The area that would remain closed is deeper than the depths preferred by right whales and accounts for 91-97% of all right whale sightings. NOAA Fisheries predicts that the smaller closed area represents a low increase of potential interactions between the fishery and right whales.

The Council is also proposing to require an additional buoy-line marking requirement for black sea bass traps. In the Atlantic, from Maine to Sebastian Inlet, FL, buoy lines attached to traps must be marked to identify the management area where the gear is fished, but not the fishery. If a whale becomes entangled in fishing gear, line markings help identify where the entanglement occurred. The additional line markings would identify buoy line to the black sea bass fishery as well as the area.

Traditionally, traps caught most of the black sea bass harvest; however, trap landings declined when the fishery went into a rebuilding plan and an endorsement program was created. Only 32 people qualified for the endorsement, 8 of which are Floridians. When the fishery was rebuilt and the quota was increased in 2013, the few remaining trap fishermen were not provided equal access to the new quota because the winter area closure was implemented at the same time.

The Council believes that the smaller proposed winter closed area is appropriate and will allow trap fishermen fair access to the increased quota and will continue to provide protection to right whales. Florida's black sea bass trap fishermen strongly support these changes, which they see as providing access to economic opportunity that was lost through previous rulemaking. The Council will take final action on the commercial black sea bass traps closed area and gear-marking requirements in December.

2015 Recreational Hogfish Closure



- Recreational fishery closed in federal waters Aug. 24 because quota was exceeded
- Concerned that harvest may have been overestimated
- Council has requested NOAA Fisheries review the data used to close the fishery and re-evaluate the estimated landings
- Reminder: Council is developing a rebuilding plan for Florida Keys/East Florida stock
 - Staff will seek direction on items in the rebuilding plan at a future Commission meeting



Photo Credit: NOAA



A second, unanticipated closure in Atlantic federal waters occurred for the recreational hogfish fishery. Based on the Marine Recreational Information Program estimates, NOAA Fisheries closed hogfish to recreational harvest on Aug. 24, 2015. Although the closure occurred in August, NOAA Fisheries estimates that the quota was exceeded back in April. Estimates through June 2015, put recreational harvest of hogfish at 243,948 pounds, which is 286% of the quota. Recreational harvest also exceeded the quota in 2014 (131% of quota landed). The 2015 closure was implemented as an accountability measure (AM) intended to protect hogfish from overfishing. The AM requires an in-season closure of the recreational fishery if the recreational fishery exceeds its quota two years in a row. (Note: There was no closure in 2014.)

FWC and Council staff investigated the 2015 angler intercept data used to develop the recreational harvest estimate. Staff determined that three angler intercepts, all from the same location on the same day, were the driving factor for estimating high levels of the total recreational harvest. The Council discussed this and was concerned that these data may have been inappropriately extrapolated to generate the harvest estimate that ultimately closed the recreational fishery.

As such, the Council requested that NOAA Fisheries reexamine the data used to close the Atlantic hogfish recreational fishery to determine if the angler intercept data were used appropriately to estimate the recreational harvest. However, it is unlikely the fishery will reopen this year.

As a reminder, the Florida Keys/East Florida stock of hogfish is overfished and overfishing is occurring. The Council is in the process of developing a rebuilding plan for the stock. Staff will seek guidance on the specifics of the rebuilding plan from the Commission at a future meeting.

Newly-proposed Snapper Grouper Changes



- Final Action December 2015

Blueline tilefish

- Implement higher quota based on new fishing level recommendations
- Considering increasing commercial and recreational possession limits

Yellowtail snapper

- Considering changes to start date of fishing year to prevent commercial quota closures during months when access is important

Black sea bass

- Considering increasing recreational bag limits to provide anglers the opportunity to harvest their share of quota



Photo Credit: NOAA



During the September meeting, the Council began a new amendment for blueline tilefish, yellowtail snapper, and black sea bass. The Council intends to expedite the amendment to implement changes for the 2016 fishing year. Public hearings will be held on the proposed changes via webinar in November and the Council will take final action in December.

Based on new fishing level recommendations from their Scientific and Statistical Committee, the Council will consider increasing the blueline tilefish quota from 53,548 pounds to 224,100 pounds. The Council will also consider increasing the current blueline tilefish recreational bag limit of one fish per vessel per day and the commercial trip limit of 100 pounds per trip to allow greater access to the new quota.

The Council is considering changing the start date of the yellowtail snapper commercial fishing year in order to prevent an in-season quota closure during the winter months. In-season closures for yellowtail snapper do not regularly occur; however, one will likely happen in 2015. The current fishing year began Jan. 1. As of Oct. 2, 91.5% of the commercial yellowtail snapper quota has been harvested in the South Atlantic.

The yellowtail fishery is dominated by Florida, where over 96% of the fish are landed. Yellowtail snapper is a popular and commercially-important species in the Florida Keys. Demand for the species is high during the winter season when tourism peaks. Stakeholders from the Keys have requested that the start date of the fishing year be changed in order to guarantee access to the fishery during the winter. This would not prevent a closure but it would change when a closure would occur.

The Council is also considering raising the recreational bag limit for black sea bass to provide anglers the opportunity to harvest their quota. When black sea bass was declared overfished, a rebuilding plan was implemented. Under the rebuilding plan, the recreational bag limit for black sea bass was reduced from 20 fish to 15 fish in 2006, and then further reduced to five fish in 2011. The fishery was determined to be rebuilt in 2013 and the Council increased the recreational quota; however, the recreational bag limit remained at five fish. Since the quota increase, recreational anglers have only harvested 36-57% of their allocation. Increasing the bag limit would provide the recreational fishery more opportunity to access their share of fish.

Atlantic Gray Triggerfish Size Limit and Bag Limit



- July 2015: Size limit was increased from 12 to 14 inches
- Sept. 2015: A fisherman expressed concern about the larger size limit and lack of public comment received from south of Ponce Inlet
- Sept./Oct. 2015: Staff reached out to more stakeholders
- Stakeholder concerns:
 - Triggerfish are abundant in south Florida, but are small in size
 - Regulatory discards increased following size limit increase
- Consider returning to a 12-inch minimum size limit and creating a 5-fish recreational bag limit until stock assessment can be reviewed by Council
- Stock assessment will be completed in 2016



Direction requested on reducing the gray triggerfish size limit and setting a recreational bag limit



Following a Council action, the Commission approved a federal consistency action to increase the recreational and commercial size limit for Atlantic gray triggerfish from 12 to 14 inches. The Commission also increased the statewide import size limit to 14 inches since the minimum size limit in the Gulf of Mexico was already 14 inches. The rule went into effect in July 2015. The Commission and Council increased the size limit prior to the release of a stock assessment at the request of a few stakeholders who were concerned about the triggerfish stock.

At the September Commission meeting, a member of the public brought forward concerns about the increased minimum size limit and the lack of public comments on this issue from Florida fishermen south of Ponce Inlet.

Based on the stakeholder's comments, staff reached out to fishermen on the Florida east coast, focusing on those south of Ponce Inlet. Fishermen contacted by staff reported that there are large numbers of triggerfish in state waters south of Ponce Inlet, although they say few are over 12 inches in length. They claim that the size limit increase has, therefore, led to high numbers of regulatory discards. Stakeholders suggested that a 14-inch minimum size limit may not be appropriate for Florida state waters, especially in south Florida. Considering this new public input, the size limit increase may have been premature and not fully vetted.

Staff recommends that the Commission consider dropping the size limit back to 12 inches for harvest and import, as well as implementing a 5-fish recreational bag limit in Atlantic state waters. The current recreational bag limit for triggerfish is 100 pounds. Reducing the recreational bag limit would still allow the Commission to take conservative measures until the release of the 2016 stock assessment, while also allowing recreational harvest opportunities for triggerfish south of Ponce Inlet.

If the Commission chooses to return to the 12-inch minimum size limit, staff recommends authorizing the Executive Director to make this change and implement a 5-fish recreational bag limit via Executive Order. Staff also recommends that the import size limit be returned to 12-inches statewide and that the Executive Order expire on October 31, 2016, which would allow time for the Council to consider upcoming 2016 Atlantic gray triggerfish stock assessment results.

Direction Requested



Establishment of a Spawning SMZ at Warsaw Hole

- Current Council-preferred option: 1 square mile
- Possibly consider a larger area of 2 square miles

Trip limits for the commercial dolphin fishery

- Consider implementing a small trip limit after a portion of the quota is harvested

Atlantic gray triggerfish size limit and bag limit

- Reduce minimum size and import limits to 12 inches
- Lower the recreational bag limit to 5 fish
- Input on other Council items is welcome
- Next South Atlantic Council meeting is Dec. 7-11 in NC



Staff requests direction on the establishment of an SMZ around Warsaw Hole to protect spawning snapper and grouper species, and whether to support the Council's current preferred alternative of a 1-square-mile closed area, or to support a larger, 2-square-mile area. The Council has indicated that they prefer the smallest alternative of 1 square mile because there are commercial snapper grouper fishermen that fish in this area. However, based on the depth of the site and the strength of the current, a fisherman could potentially anchor and set their gear outside of the Spawning SMZ, but still fish inside Warsaw Hole. The other two alternatives for a 2- or 4-square-mile SMZ may be more appropriate to protect any spawning fish within Warsaw Hole. The Snapper Grouper AP supported the establishment of a 2-square-mile SMZ around Warsaw Hole.

Staff also requests direction on whether to implement a trip limit for the commercial dolphin fishery. In 2015, we experienced the first-ever in-season commercial quota closure for dolphin, and increasing participation by long-line fishermen in this fishery will likely cause this to be a recurring problem. The Council is proposing to prevent an in-season closure in 2016 by implementing a trip limit after a portion of the dolphin quota has been caught. There are options for trip limits of 1,000 to 4,000 pounds. Currently, there is no trip limit for commercial dolphin harvest. If the Commission supports implementing a trip limit, staff will work with Florida stakeholders on this issue before the Council's December meeting.

Lastly, if the Commission chooses to return to the 12-inch minimum size limit, staff recommends authorizing the Executive Director to make this change and implement a five-fish recreational bag limit via Executive Order. Staff also recommends that the import size limit be returned to 12-inches statewide and that the Executive Order expire on October 31, 2016, which would allow time for the Council to consider upcoming stock assessment results.

As always, input on other Council items is welcome. The next South Atlantic Council meeting is Dec. 7-11 in Atlantic Beach, NC.