



## **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

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**Testimony of Dr. Louis Daniel, Chairman  
South Atlantic Fishery Management Council  
On the Operations of the South Atlantic Fishery Management Council and the  
Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act  
Before  
The House Committee on Resources  
October 27, 2005**

Chairman Pombo and members of the Committee, thank you for allowing me to appear before you today. My name is Louis Daniel and I represent North Carolina's marine fisheries management agency on the South Atlantic Fishery Management Council (Council). Speaking on behalf of the Council, I will address the questions posed and provide the information requested by Chairman Pombo. All of our comments are made with the sincere intent of providing a clear understanding about how our Council functions and how we believe marine fisheries management under the Act can be improved.

Headquartered in Charleston, South Carolina, the South Atlantic Fishery Management Council is responsible for the conservation and management of fish stocks off the coasts of North Carolina, South Carolina, Georgia and the East Coast of Florida south to Key West. There are a total of 13 voting members on the Council.

We believe that public participation in the development of fishery management plans (FMPs) is the cornerstone of the MSFCMA. The Council makes every effort to include input from all stakeholders in the decision-making process. This helps ensure that the broadest range of alternatives is considered when developing management strategies. Before any changes to regulations are made, resource users have opportunities to participate in the process through a series of public scoping meetings, public hearings, and at Council meetings. In addition, the Council receives guidance and recommendations from state and federal agencies, universities, and members of the public who serve on various Council committees and advisory panels. Proposed rule changes are then submitted to NOAA Fisheries (acting on behalf of the Secretary) for further review, public comment, and approval before being implemented.

Maintaining an open line of communication with the resource users is crucial to achieving successful fisheries management. It is important that stakeholders understand the basis for developing specific management strategies and why resulting actions are necessary for the sustainability of the resource. Without this understanding it is difficult to obtain support for many of the management decisions that must be made, and ultimately, improve compliance with the regulations that are implemented.

The Council continually communicates its management goals, strategies, and activities to the public. This is accomplished through a number of mechanisms including news releases, meeting announcements, a quarterly newsletter, a website, and species and regulation brochures. An Information and Education Committee and Advisory Panel also work to ensure constituents are regularly informed of management activities.

### **Fisheries Managed by the Council**

The South Atlantic Council has developed nine fishery management plans: snapper/grouper, shrimp, coral, golden crab, red drum, Sargassum, dolphin/wahoo, coastal migratory pelagics and spiny lobster. The Council also developed a Habitat Plan and Comprehensive Habitat Amendment (mandated by the Sustainable Fisheries Act) that amended these FMPs. There are a total of fifty-two amendments to the nine FMPs currently in place. Of the nine fisheries represented by these FMPs, only two contain species that are considered overfished - red drum and snapper/grouper. The Council has and continues to take aggressive action to rebuild these overfished stocks. Recreational and commercial harvest of red drum from the EEZ has been prohibited since 1990. Both the recreational and commercial sectors in the snapper/grouper fishery are highly regulated and progress continues to be made as more species are removed from the overfishing and overfished lists with each new amendment. Management measures are in place to ensure that the species that comprise the seven remaining fisheries managed by the Council continue to be maintained at productive, sustainable levels into the future.

### **Snapper/Grouper**

The FMP for the snapper/grouper resource was first implemented in 1983. Because of its mixed-species nature, this fishery offers the greatest challenge to the Council for successful management. Initially, FMP regulations consisted of minimum sizes, gear restrictions, and a provision for the designation of special management zones (SMZs). Early attempts to develop more effective management measures were thwarted by lack of data on both the resource and the fishery. The condition of many of the species within the snapper/grouper complex was, and still is, unknown. Improved data collection (in terms of quantity and quality) during the 1980's and 90's has provided additional information on some of the more commercially and recreationally valuable species, but lack of basic data on many of the species still remains the major obstacle to successful management.

Snapper/grouper management is also difficult because many of these species have complex life cycles. They are slow growing, late maturing, and long lived, so rebuilding efforts for some species will take years to produce full recovery. Strict management measures, including prohibition of harvest in some cases, have been implemented to rebuild overfished species. For example, both Goliath grouper (since 1990) and Nassau grouper (since 1992) are protected from any harvest, and strict limits are in place for speckled hind and Warsaw grouper.

To address overcapacity in the fishery, the Council established a program to limit the number of vessels. Beginning in December 1998, anyone wishing to enter the commercial fishery must buy two transferable vessel permits in order to qualify for a newly issued permit, thus eliminating one permit each time a new person enters the fishery. Known as the "2 for 1" program, this management strategy has been effective in reducing participation in the fishery and pressure on the resource. This program will continue until the number of permits an optimum level to be determined based on the long-term yield of the fishery.

Many of the rebuilding plans developed by the Council for snapper/grouper species predate mandates outlined under the Sustainable Fisheries Act in 1996. The Council is currently developing an amendment to the Snapper/Grouper FMP to bring all species in the management complex into compliance with SFA requirements. In addition, the Council is moving forward with plans to evaluate the use of marine protected areas to rebuild the deepwater species that are overfished.

### Wreckfish ITQ

The presence of fishable concentrations of deepwater wreckfish in the South Atlantic region was unknown until 1987, when a directed fishery developed on the Blake Plateau adjacent to South Carolina and Georgia. The fishery rapidly expanded as additional fishermen considered wreckfish as a new commercial opportunity. Fishermen, scientists, and managers became concerned that the resource could not support unlimited expansion. With cooperation from the fishermen, the Council developed a wreckfish management plan that includes individual transferable quotas (ITQs). Under the quota system, each wreckfish fisherman owns a share of the quota and can choose to fish it anytime during the open season. This prevents an opening day rush to bring fish to market and assures fishermen a stable, reasonable price.

### Shrimp

The commercial shrimp fishery is one of the most economically important fisheries in the nation. While not overfished, the white shrimp resource in the South Atlantic region is periodically decimated by severe winter kills, especially offshore of Georgia and South Carolina. Following these events continued fishing on the few remaining adults in the spring might reduce the more valuable fall shrimp production. The Council's Shrimp FMP allows for concurrent closures of federal waters in conjunction with state closures through emergency action, following severe cold weather that results in an 80% or more reduction in the population of over-wintering shrimp. The ability to close federal waters to protect over wintering spawning white shrimp was used in 1991 and again in 2001 to rebuild the stock after significant winter kills. This cooperative plan allows maximum protection of the remaining adult population.

Amendment 5 (2003) to the Shrimp FMP established a license limitation program for the rock shrimp fishery, addressed bycatch through gear modifications, and required Vessel Monitoring Systems (VMS) on all rock shrimp vessels fishing off the coasts of Florida and Georgia. The use of electronic VMS by the fishing fleet allows fishermen to utilize bottom fishing grounds near the Oculina Habitat Area of Particular Concern, an area closed to all trawling to protect the Oculina coral habitat, while maximizing the ability to enforce illegal entry of trawlers into the closed area. Through cooperative efforts by fishermen, the South Atlantic Council, and NOAA Fisheries, the financial costs of implementing the VMS requirement were kept to a minimum and a management plan is now in place to sustain a historic fishery while protecting unique and essential coral habitat.

Other challenges in the fishery that the Council addressed include the bycatch of non-targeted fish and invertebrates and the impact of the rock shrimp fishery (trawling) on essential bottom habitat. To resolve the bycatch problems, the Council required the use of certified bycatch reduction devices (BRDs) in all penaeid (pink, white, and brown) shrimp trawls in the South Atlantic EEZ and established a framework for BRD certification. The Council also limited the impact of the rock shrimp fishery on bottom habitat by prohibiting trawling in the Oculina Bank to protect Oculina coral off the coast of Florida. Beginning October 2003, all vessels trawling for rock shrimp off the coast of Florida and Georgia were required to use vessel monitoring systems (VMS). VMS provide the exact location of vessels while fishing. The use of VMS will aid in the enforcement of regulations protecting rare and fragile Oculina coral habitat in areas closed to trawling. With the ability to close federal waters to protect spawning white shrimp, the requirement for BRDs to minimize bycatch, and the prohibition on rock shrimp trawling in Oculina coral areas, the Council has developed a successful management program for the shrimp fishery where it occurs in the EEZ.

### **Coral**

The Coral, Coral Reef, and Live/Hardbottom Habitat Plan prohibits harvest of stony corals, seafans, coral reefs, and live rock (living marine organisms attached to a hard substrate) except as authorized for scientific and educational purposes. The harvest of allowable octocorals for the aquarium trade is limited in number and only allowed south of Cape Canaveral, Florida. Aquaculturists in the marine aquarium trade have greatly benefited from a unique permit program created by the Council in 1995. This system allows permitted aquaculturists to put geologically distinguishable rock in their permit site. The rock can later be harvested with any growth, including prohibited hard corals and octocorals as long as they are attached to the cultured rock.

In addition Coral Habitat Areas of Particular Concern (HAPC), the Oculina Bank, and Satellite Coral HAPCs have been designated in the South Atlantic. Within those areas, habitat damaging fishing gear is prohibited including bottom tending trawl gear, traps, dredges, and bottom longlines. Anchoring or the use of grapples is also prohibited for all fishing vessels.

### **Golden Crab**

When the Council prohibited fish traps in the snapper/grouper fishery in 1992, a few of the displaced trap fishermen began developing a specialized fishery for golden crabs. Harvesting of this little known species required fortitude and ingenuity in developing gear modifications to trap the deepwater crabs. The Nielsen family of Dania, Florida, was instrumental in developing harvesting techniques and creating a market for golden crab. This encouraged other fishermen to join the fishery. As the fishery began to grow, these same fishermen who had been displaced earlier by the Council from their snapper/grouper trap fishery, showed a remarkable good faith effort by approaching the Council with their own management proposal for the golden crab fishery. This plan, approved in 1995, included measures to protect the stock, as well as a limited entry program to protect them from large vessels entering the fishery from outside the area. The Council worked cooperatively with the fishermen to provide a sustainable fishery opportunity. It developed a management plan that would eventually limit the number of fishermen in established fishing zones (southern, middle, and northern) and implemented the protective measures for the crabs as outlined by the fishermen. The Golden Crab FMP represents an excellent example of co-management involving fishermen and the Council.

### **Red Drum**

Recreational and commercial harvest of red drum from the EEZ has been prohibited since 1990. Currently, the Council is in the process of transferring management to the Atlantic States Marine Fisheries Commission, as 100% of the catch is taken in state waters.

### **Sargassum**

Sargassum is free-floating seaweed found offshore throughout the South Atlantic region. These mats of vegetation provide crucial habitat for a wide variety of marine animals in the open ocean, including important pelagic species such as tuna, dolphin, wahoo, and billfish as well as sea turtles and marine birds. The final FMP for Pelagic Sargassum Habitat in the South Atlantic Region was approved in 2003 and implemented strict limits on commercial harvest of this important habitat. In the past, a North Carolina company harvested Sargassum for use in the feed supplement industry. The approved plan, however, implements strict limitations on future commercial harvest. Restrictions include prohibition of harvest south of the NC/SC state boundary, a total allowable catch (TAC) of 5,000 pounds wet weight per year, limiting harvest to November through June to protect sea turtles, requiring observers onboard any vessel harvesting Sargassum, prohibiting harvest within 100 miles of shore, and gear specifications.

### **Dolphin/Wahoo**

Known for their brilliant colors and delicate taste, dolphin or "mahi-mahi," is one of the most popular and economically important fish targeted by offshore fishermen along the Atlantic coast. Historically, landings of dolphin have been primarily recreational, with approximately 87% caught by sport fishermen. While both dolphin and wahoo (a pelagic fish often associated with the dolphin fishery) are not overfished, the Council has adopted a precautionary approach to management for this fishery. The South Atlantic Council, in cooperation with the Mid-Atlantic and New England Councils, has developed a Dolphin/Wahoo Fishery Management Plan for the Atlantic. Recognizing the importance of the dolphin/wahoo fishery to the recreational fishing community, the goal of the plan is to maintain the current harvest levels of both species and ensure that no new fisheries develop. The potential for effort shifts in the historical commercial longline fisheries for sharks, tunas, and swordfish into nearshore coastal waters to target dolphin could compromise the historical and current allocation of the dolphin resource between recreational and commercial fishermen.

### **Coastal Migratory Pelagics**

Coastal Migratory Pelagics are managed under a joint South Atlantic and Gulf of Mexico FMP. Prior to the 1980's, king and Spanish mackerel catches were essentially unregulated. Introduction of airplane reconnaissance and large, power-assisted gill net vessels in the commercial fishery took advantage of the schooling nature of the fish and greatly increased catches. Harvests by both recreational and commercial fishermen in the 1970's and early 80's exceeded reproductive capacity and led to overfishing. Federal regulations were implemented in 1983 to control harvest and rebuild dwindling stocks of king and Spanish mackerel. Different migratory groups were later managed separately, and quotas, bag limits and trip limits were established to rebuild the mackerel fisheries. Gear regulations included the elimination of drift gill nets in 1990. In 1996, the Councils established a moratorium on new commercial king mackerel permits and provided for transferability of permits during the moratorium. The moratorium was extended in 2000 and was recently replaced with a limited access fishery. Management measures developed by the Council for the Atlantic migratory groups of king and Spanish mackerel have been very successful in rebuilding healthy stocks, and the mackerel fishery remains viable for both recreational and commercial fishermen.

### **Spiny Lobster**

The FMP for Spiny Lobster in the South Atlantic and the Gulf of Mexico provides management for spiny lobster from North Carolina to Texas. However, the commercial fishery for spiny lobster, and to a very large extent, the recreational fishery, occurs off South Florida and primarily in the Florida Keys. In order to streamline a management process that involves both state and federal jurisdictions, a protocol was developed that allows the state of Florida to adopt proposed rules through their management process. Provided the rules are consistent with the goals and objectives of the FMP and both Councils concur, a regulatory amendment is prepared, a comment period is held, and NOAA Fisheries can implement the rule in a manner that is timelier than an FMP amendment. Current regulations in the spiny lobster fishery in Florida include a commercial trap reduction program, a closed season, a special recreational 2-day season before the commercial season, recreational trip limits, gear prohibitions, and prohibition on the possession of egg-bearing lobsters. In federal waters off the Carolinas and Georgia, harvesting is allowed year-round but harvest for all fishermen is limited to 2 per person per day, and no "berried" (egg bearing) females can be harvested.

### **Habitat Plan and Comprehensive Habitat Amendment**

The Sustainable Fisheries Act of 1996 mandated that the Councils address essential fish habitat in their existing FMPs. Subsequently, the South Atlantic Council developed its Habitat Plan and Comprehensive Habitat Amendment to meet this mandate. The Habitat Plan and associated amendment were the first in the nation to be approved by the Secretary of Commerce and not challenged in court and overturned. The plan serves as a source document, consolidating the best available information on habitat essential to species managed in the South Atlantic, from the headwaters of river systems to off the continental shelf. The comprehensive amendment amended the nine existing species related FMPs. The plan and comprehensive amendment were prepared through a cooperative effort of state, federal, and regional habitat partners on the Council's Habitat and Coral Advisory Panels.

### **Other Management Approaches**

In addition to the traditional management tools commonly used to manage fisheries, such as size and bag limits, commercial trip limits, and seasonal closures, the Council utilizes special management areas as part of its management strategy. These specifically designated areas provide opportunities to limit gear usage and gain increased knowledge about species protection. Currently, the Council is considering using series of marine protected areas throughout the South Atlantic to protect the deepwater snapper/grouper species complex.

### **Special Management Zones (SMZs)**

Since 1983, the Council has had a program allowing the designation of SMZ to provide an incentive for creating artificial reefs and fish attraction devices to increase the numbers of fish in an area and/or create fishing opportunities that would not otherwise exist. Designation of an area as a SMZ allows for gear restrictions in the area to prevent over exploitation. Many of these areas have been established through cooperation with fishing organizations and state and local governments. They serve as a means to promote localized conservation and positive fishing experiences. A total of 51 SMZs have been designated off South Carolina, Georgia, and Florida.

### Oculina Experimental Closed Area

In 1994, an area previously designated the Oculina Bank Habitat Area of Particular Concern (HAPC) off Ft. Pierce in eastern-central Florida was declared the Oculina Experimental Closed Area. The 92-square mile area, named for the unique coral found there, was closed to fishing for snapper/grouper species, and later to anchoring by fishing vessels, for a period of 10 years to allow for scientific studies in a closed area. Designation of an area where deepwater species such as snowy grouper, golden tilefish, speckled hind, and Warsaw grouper can grow and reproduce without being subjected to fishing mortality provides a unique opportunity for study. The Council has taken additional action to extend the closure indefinitely for further protection and research.

### Marine Protected Areas

After reviewing scientific data, advisory panel recommendations, and public input, the Council concluded that MPAs are a necessary tool for snapper/grouper management in order to meet mandates outlined in the Sustainable Fisheries Act. The snapper/grouper species complex is uniquely difficult to manage. In this multi-species fishery, many fish that are prohibited from harvest are still being caught and killed. Even when released alive, delayed fishing mortality can still be high. Complicated life histories and tendencies for some species to form spawning aggregations also make these fish more susceptible to being overfished. Deepwater snapper/grouper complex species such as speckled hind, Warsaw grouper, snowy grouper, golden tilefish, and others are especially vulnerable. The Council concluded the most important criteria for considering MPA sites at this time is the protection of these deepwater species. Nine preliminary candidate sites are currently under consideration for MPA designation in the South Atlantic region, based on this need for protection. These sites have been compiled after nearly two years of public meetings, input from numerous advisory panel members, and committee review. Because the majority of these sites are designed to protect deepwater species, all but one (an experimental site) will only prohibit bottom fishing while allowing fishermen to troll for pelagic species such as tuna, dolphin, mackerel, and billfish. The public will continue to play a major role in the decisions concerning the use of MPAs.

### Policy and Habitat Protection

In addition to implementing regulations to protect habitat from fishing related degradation, the Council actively comments on non-fishing projects or policies that may impact fish habitat. A habitat policy and procedure document has been adopted that establishes a four-state Habitat Advisory Panel and developed a comment and policy process. Members of the Habitat Advisory Panel serve as the Council's habitat contacts and professionals in the field. With guidance from the Advisory Panel, the Council has developed and approved policies on: energy exploration, development and transportation, beach dredging and filling and large-scale coastal engineering, protection and enhancement of submerged aquatic vegetation, and alterations to riverine, estuarine, and nearshore flows.

### Management Strategies that Benefit Sea Turtles, Marine Mammals, and Sea Birds

Though not directly managed by the Council, sea turtles, marine mammals, and sea birds are known to interact with various fisheries; thus measures within fishery management plans need to comply with regulations concerning these protected species. A variety of gear types can impact these species; however, entanglement in gill nets, longlines, trawls, and trap gear are of most concern. Several management strategies implemented by the Council help reduce the risk of incidental capture of sea turtles, marine mammals, and sea birds. Under the Snapper/Grouper FMP, the

Council prohibited the use of bottom longlines inside of 50 fathoms. Overall, the use of entanglement nets is prohibited or restricted in fisheries under the Council's jurisdiction.

Turtle excluder devices (TEDs) are required in shrimp trawl nets to protect sea turtles in the South Atlantic. NOAA Fisheries has shown that TEDs are effective at excluding up to 97% of sea turtles with minimal loss of shrimp. Industry representatives participate in reviewing new designs for TEDs, many of which are submitted by the shrimp fishermen. NOAA Fisheries ensured that the TED requirements were phased in gradually, and has provided numerous workshops and programs to work with the industry regarding TEDs.

In addition, the Council actively promotes and participates in efforts that improve communication among state and federal agencies as well as numerous stakeholders on issues relating to protected species and fisheries. The Council has established a Protected Resources Committee and is currently involved with the Bottlenose Dolphin Take Reduction Team and the Atlantic Large Whale Take Reduction Team. Take Reduction Teams are set up under the Marine Mammal Protection Act to assist NOAA Fisheries in developing plans to mitigate serious injuries and mortalities incidental to commercial fishing operations.

#### Bycatch

The Council has a history of proactively addressing bycatch. Prior to the bycatch mandates contained in the Sustainable Fisheries Act, the Council had addressed bycatch in the fisheries under management. Currently, all managed fisheries in the South Atlantic have reduced bycatch to the greatest extent practicable.

Certified BRDs are required in all penaeid shrimp (white, pink, and brown) trawls in the South Atlantic EEZ to reduce the bycatch of non-target finfish and invertebrates. A framework has been established for BRD certification, which specifies BRD certification criteria and testing protocol. Mandating use of BRDs in coordination with the States has provided for a consistent set of bycatch conservation regulations in the South Atlantic. The adoption of compatible state/federal regulations has aided enforcement, simplified the regulatory burden on the industry, and insured the biological goal of bycatch reduction is achieved.

To reduce bycatch in the snapper grouper species complex the Council has prohibited the use of trawl gear, fish traps, entanglement nets and bottom longlines inside of 50 fathoms. Black sea bass pots are required to have escape vents and degradable panels. All of these measures have proven to effectively reduce bycatch in the fishery. Bycatch that does occur in the commercial and recreational hook and line fisheries is mainly associated with the release of undersized fish (regulatory discards) caught in deep water. Regulatory discards are being addressed in an amendment to the Snapper/Grouper FMP.

The Council has prohibited the use of drift gill nets in the coastal pelagics fishery. Where gill nets are used to target these species minimum mesh sizes are required. These management measures have significantly reduced the regulatory discards. Species other than coastal pelagics taken in the net fishery generally have market value and are retained and do not constitute a bycatch. In the hook and line fishery, release mortality (regulatory discards) of coastal pelagics is minimal due to the fishing methods employed and areas fished.



Golden crab and spiny lobster traps are required to have escape gaps and degradable panels which effectively eliminate regulatory discard bycatch and any bycatch associated with lost traps continuing to fish. Due to the deepwater areas golden crab traps are fished there is no other bycatch in the fishery. The Council examined the issue of finfish bycatch in lobster traps, especially traps constructed of wire, and determined from the information available that finfish bycatch is minimal and additional regulations are not warranted.

### **Stock Assessments and Peer Reviews**

The Southeast Data, Assessment, and Review (SEDAR) is a Council process initiated to improve the quality and reliability of stock assessments for fishery resources in the southeastern United States, including the South Atlantic, Gulf of Mexico, and Caribbean. The SEDAR process is the initial step in integrating science into management.

SEDAR oversight is provided by the three regional Councils in close coordination with NOAA Fisheries' Southeast Regional Office (SERO), Southeast Fisheries Science Center (SEFSC) and the Interstate Fishery Commissions (ASMFC and GSMFC). The South Atlantic Council has administrative and managerial responsibility for the SEDAR process.

SEDAR is a Council process, and as such, public participation is encouraged. SEDAR meetings are open to the public and advertised by the Councils and through the Federal Register. Public participation during SEDAR workshops is handled similar to current Council technical and committee meetings, in that no formal period of public testimony is scheduled. Instead, the Chair is free to call on the public for comment as necessary and appropriate during workshop deliberations. During all workshops, interested parties are permitted to comment on discussion items as the meeting proceeds. Written comments are handled in accordance with guidelines established by each Council.

Each of the three regional Councils has developed a SEDAR Advisory Panel composed of (1) scientists from their Scientific & Statistical Committees (SSCs), Assessment Panels, and other committees/panels; (2) individuals from their Advisory Panels; (3) individuals from the environmental community active in each Council area; and (4) invited individuals (e.g., state, university, and Commission scientists). The product of the SEDAR process is a stock assessment report to the Council. The final assessment report must specify management parameters required under the Magnuson-Stevens Act, Council FMPs, or framework procedures. Specific parameters to be provided by an assessment are listed in the Terms of Reference developed for each SEDAR Workshop.

The process of generating a stock assessment through SEDAR is termed a 'cycle'. Each SEDAR cycle is comprised of three workshops that are conducted sequentially: 1) The Data Workshop -- involves the assembly and review of all available fishery data and life history information, resulting in consensus databases to be used in stock assessments. Analytical techniques and models appropriate for the available data are also suggested. 2) The Assessment Workshop -- data sets from the Data Workshop are used with population dynamics modeling techniques to determine the status of stocks; and 3) Review Workshop -- an independent peer review of the stock assessment by Center for Independent Experts (CIE) scientists is conducted. SEDAR workshop reports, along with the review of these reports by specific Council/Commission committees and panels are then

provided to the Council for their consideration in determining appropriate fishery management measures.

Policy decisions, negotiation of SEDAR guidelines and species to be assessed, and cycle timing are established by the SEDAR Steering Committee. The Steering Committee is composed of the NOAA Fisheries Southeast Science Center Director; NOAA Fisheries Southeast Regional Administrator; Executive Directors of the South Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils; Chairs of the South Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils; and the Executive Directors of the Atlantic and Gulf States Marine Fisheries Commissions.

The SEDAR Steering Committee meets at least twice annually to schedule the specific stock assessments that will go through the SEDAR process. Assessments are scheduled up to five years in advance. Advanced planning allows researchers to develop updated inputs and assess appropriate techniques and models for use in assessments. The committee also reviews progress on SEDAR assessments and recommends modifications of the SEDAR Process.

### **SEDAR Workshops**

#### **Data Workshop**

Data Workshop participants assemble and review all available fishery data, monitoring programs, and life history information, producing consensus databases used to conduct stock assessments. Analytical techniques appropriate for the available datasets are recommended for the Assessment Workshop. Data Workshop decisions and recommendations are documented in the SEDAR Assessment Report. Data formats and documentation guidelines are distributed in advance, and some preliminary analyses of the data are conducted prior to the workshop.

The SEDAR Coordinator serves as the Data Workshop Chairperson and leads discussions to 1) reach consensus on the best available data for use in assessing stocks under consideration and 2) provide recommendations on possible modeling and analytical techniques given the data sets reviewed. The NMFS Technical Guidance Document is used for assessing the status of data poor species. Data Workshops are structured around smaller working groups dedicated to particular data issues, such as commercial statistics, recreational statistics, life history, and abundance indices. Specific groups are determined based on the needs of the candidate species.

The first segment of the Data Workshop involves brief presentations of submitted working papers and data sources. Presentations focus on data coverage, analytical methods, and identification of issues needing resolution by the Panel. The second segment involves a mixture of breakout sessions in which work groups identify potential solutions to data issues and plenary sessions where the Panel convenes to decide appropriate solutions to each issue. The final segment involves drafting and reviewing the workshop report.

The charge to the Data Workshop is guided by the following Terms of Reference (the Councils, Commissions, States, and NOAA Fisheries may also develop specific Terms of Reference to be addressed during the Data Workshop):

1. Determine quality and appropriateness of life-history information (stock structure, aging, size at age, sex ratio including transition, maturity, fecundity, and generation time, age protocols and determination, catch aging methods).
2. Determine quality and appropriateness of abundance indices (MARMAP, SEAMAP, headboat CPUE, commercial logbook CPUE, etc.).
3. Determine quality and appropriateness of fishery-dependent data (landings, discards, release mortality, and length characterization).
4. Determine quality and appropriateness of available data for estimating impacts from proposed or existing management measures.
5. Provide recommendations on possible assessment methods and appropriate models given the quality and scope of the data sets reviewed.
6. Provide recommendations for future research (field and assessment).

In general, the Data Workshop should occur at least 2 months prior to the Stock Assessment Workshop to allow time for the team of lead assessment analysts to develop the initial model runs and sensitivity evaluations.

#### Assessment Workshop

Participants at the Assessment Workshop conduct stock assessments, prepare stock rebuilding analyses, and estimate population benchmarks. Specific assessment methods vary and are based on the level of available data. The NMFS Technical Guidance Document is used for assessing the status of data poor species.

The SEDAR Coordinator serves as Chairperson. Assessment Workshop products are based on the Sustainable Fisheries Act and the National Standards. The charge to the Assessment Workshop is guided by the following Terms of Reference (the Councils, Commissions, States, and NOAA Fisheries may also develop specific Terms of Reference to be addressed during the Assessment Workshop):

1. Identify modeling approaches appropriate to the available data and management questions ranging from simple trends analyses (e.g., trends in catches, average size, CPUE, etc.) to more complex modeling (e.g., production models, age-structured models, size-structured models, hybrids, etc.).
2. Determine suitability of current proxies for SFA benchmarks and suitable approaches for estimating actual SFA benchmarks.
3. Estimate stock status (biomass) and fishery status (fishing mortality rate) relative to appropriate SFA benchmarks. Is the stock overfished; is overfishing occurring?
4. Identify and conduct rebuilding analyses comparing management options from existing or proposed actions for stocks that are overfished.
5. Provide recommendations for future research and data collection (field and assessment).

The Assessment Workshop Panel is responsible for drafting Section III of the SEDAR Stock Assessment Report. The Workshop Rapporteur is charged with editing and compiling the document section, and submitting it to the SEDAR Coordinator by the deadline specified by the SEDAR Steering Committee. A written draft report, providing an overview of the analyses, general findings, and recommendations of the workshop, is available by conclusion of the workshop. This report may be expanded following the workshop and finalized after the Review Workshop.

### Review Workshop

The Review Workshop is an independent peer review of the stock assessment. The Review Workshop Panel consists of a minimum of three scientists from the Center for Independent Experts (CIE representatives are contracted by and paid for by NOAA Fisheries). Assessment scientists, industry/Advisory Panel representatives, and NGO representatives are invited to serve as observers and are available to answer questions if required. Other individuals that may attend include scientists from NOAA Fisheries, Council SEDAR Advisory Panels and the public.

Review Workshop Panelists receive the Assessment Report, including sections prepared by the Data and Assessment workshops; supplemental analytical materials including working papers and reference documents; and consensus data sets for their review at least two weeks prior to the review meeting. The charge to the Review Workshop is guided by the following Terms of Reference (the Councils, Commissions, States, and NOAA Fisheries may also develop specific Terms of Reference to be addressed during the Review Workshop):

1. Evaluate the adequacy and appropriateness of fishery-dependent and fishery-independent data used in the assessment (i.e., was the best available data used in the assessment?).
2. Evaluate the adequacy, appropriateness, and application of models used to assess the stock and to estimate population benchmarks (MSY, Fmsy, Bmsy, MSST, MFMT, etc.).
3. Evaluate the adequacy, appropriateness, and application of models used for rebuilding analyses where appropriate. Probability of rebuilding (to MSST and MSY) over time under the following fishing mortality scenarios are to be included: (a) F under current management regulations, (b)  $F=150\% F_{current}$ , (c)  $F=125\% F_{current}$ , (d)  $F=75\% F_{current}$ , (e)  $F=50\% F_{current}$ , (f)  $F=25\% F_{current}$ , (g)  $F=0$ , and (h)  $F=99\% F_{msy}$ .
4. Develop recommendations for improving data collection, assessment, and future research (both field and assessment).

The Review Panel develops two reports: 1) A Consensus Stock Assessment Report that summarizes the peer review panel's evaluation of the stock assessment resulting from the assessment workshop and 2) An Advisory Report including a summary of stock status and forecast for the upcoming year. This report would include appropriate annual harvest levels to maintain maximum sustainable yields for healthy stocks and/or to rebuild depleted stocks based on the rebuilding plan for that stock.

The SEDAR stock assessment review panel does not provide specific management advice to the Council. Such advice is provided following completion of a review through existing Council advisory groups, such as the Science and Statistical Committee.

### Integrating Science into Management

At the conclusion of a SEDAR stock assessment, the Council does not take any management action until after the SEDAR reports are reviewed by the SSC to ensure the relevance and scientific credibility of the data, analyses, reports, and summary findings for species and stocks assessed.

### Scientific and Statistical Committee (SSC)

The Council's SSC is composed of experts in the biological, statistical, economic, social, and other relevant disciplines from federal, state, and private scientific communities who are knowledgeable in the technical aspects of fisheries in the South Atlantic. The SSC provides expert scientific and

technical advice to the Council on the development of fishery management policy, on establishing the goals and objectives of fishery management plans or amendments, and on the preparation of such plans or amendments. The SSC, through its Biological and/or Socioeconomic Subcommittees, provides the Council with a critical review of the scientific information necessary to make management decisions, such as SEDAR stock assessments and reviews, reports on stock status, annual harvest levels [allowable biological catch (ABC), total allowable catch (TAC), etc.] socioeconomic impacts of management measures, sustainability of fishing practices, and habitat and ecosystem status. Such information may include a recommendation on ABC, where appropriate, based on a SEDAR stock assessment and/or the best scientific information available.

Throughout the management process, the SSC provides expert scientific and technical advice to ensure that the Council's plans and amendments are based on the best scientific information available. Based on the SEDAR stock assessments and the advice of the SSC the Council proceeds with the appropriate management actions.

### **Sources and Levels of Funding**

The Councils receive funds through the NOAA Grant's process. Our primary source of funding comes through the Regional Fishery Management Council (RFMC) line item in the National Marine Fisheries Service's budget. Several years ago, the eight RFMCs agreed to a percentage allocation of the funds in the RFMC line item. The South Atlantic Council receives 10.75% of the amount budgeted by Congress for the RFMCs in a given year.

In recent years, we have also been provided funding by NMFS for specific activities or to meet various mandates where RFMC line item funding has been insufficient to cover the costs.

In 2005, the South Atlantic Council received \$2,275,793 in funding as following:

- RFMC line item for Council operations \$1,589,371
- From NMFS to facilitate regulatory streamlining and to support NEPA mandates - \$168,571
- From NMFS to administer and coordinate the SEDAR stock assessment program - \$342,851
- From NMFS for Coral management and research activities - \$175,000

### **MSFCMA Reauthorization Recommendations**

The South Atlantic Council supports the recommendations and language presented in "Positions of the Regional Fishery Management Council Chairs on Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act" April 28, 2005. This document is presented in the Pacific Fishery Management Council's testimony. For brevity purposes, the language is not repeated in my testimony.

Additional areas that should be addressed during reauthorization include:

**Overfishing/overfished:** The definitions for overfishing and overfished should be separated and more clearly delineated. MSY should also be clearly defined for purposes of the Act.

**Dedicated Access Privileges (individual fishing quotas, community quotas, area-based quotas, and fishing cooperatives):**

The SAFMC supports the Councils' having the ability to consider dedicated access privileges

as management options. These programs provide fishermen with a vested interest in the fishery and promote long-term economic planning, resource stability and compliance with management measures. Dedicated access privileges are management techniques just like minimum sizes, closed seasons, quotas, etc. While they may not be useful in all management situations, we support the Councils' having the ability to consider dedicated access privileges as management options. The Council has implemented an IFQ program for the wreckfish fishery and is currently evaluating alternatives for the remainder of the snapper grouper complex.

**IFQ Programs:** The council does not support establishing a sunset provision for IFQ programs. The individual Council should review each IFQ program periodically and determine if and when it should be terminated. The Councils are qualified to evaluate use of IFQ's and determine whether or not they meet the objectives of a specific fishery management plan. Predetermining the tenure of an IFQ program will render this management strategy ineffective as fishermen will have no incentive to make a long term investment in the fishery.

**Fees:** Establishment of fees should be authorized for all limited access systems (not just IFQ programs). Fees that are established should be tied to the actual production not to a quota share or allocation. Any fees collected under an IFQ program or other limited access system should be dedicated to management of the program. Based on our experience with the wreckfish IFQ program, we believe the specifics of establishing fee levels and other criteria should be handled by the Councils (within certain parameters) under the plan or amendment establishing the limited access program.

**Review of Regulations:** The Council supports changing the language under Review of Regulations to insure that the management actions (FMP, amendment, etc.) and implementing regulations are reviewed simultaneously with the same statutory timeline.

**State Jurisdiction:** The Council supports language in the Act to establish the authority of the states to manage species harvested in the EEZ, that occur in both the state territorial waters and the EEZ, in the absence of a council fishery management plan similar to the language specified for Alaska in the 1996 amendments to the Act.

**Monitoring and Research:** The Council supports establishing a sunset of three to five years for the confidentiality of data and allowing the collection of economic data.

**Council Member Compensation:** The Act should specify that Council member compensation is based on the General Schedule that includes locality pay.

**Voting Members of a Council:** The Council supports full voting membership for the Fish and Wildlife Service and Marine Fisheries Commission representatives on the Councils.

**Highly Migratory Species:** The South Atlantic Council supports management of the highly migratory species in the Atlantic and Gulf of Mexico being returned to the Councils. We believe it would be more efficient and cost effective to return management to the Council process, which has existing management mechanisms already in place. If returning management of all highly migratory species is not possible under present circumstances, the Council strongly supports returning the management of billfish and sharks to the Councils.

**Habitat:** The Council supports the current language in the Magnuson-Stevens Act relative to habitat and does not want to see it weakened.

### **Looking Towards the Future**

A number of challenges lie ahead for the Council. The lack of adequate biological data to conduct stock assessments (particularly for snapper/grouper complex species) continues to be a major problem. Also, economic and social information is not available to produce the comprehensive Regulatory Impact Reviews and Social Impact Assessments that would most benefit the decision-making process. This results in imprecise management guidance and puts Council members in the unenviable position of having to make decisions affecting the fishery stocks, and individuals' lives and livelihoods, based on poor or non-existent data. Also, under these circumstances, fishermen and other constituents often do not believe or agree with the stock assessments. Even scientists may disagree with each other on the status of the stocks or the impact of regulatory measures leaving managers in a very difficult position.

Fortunately, the data dilemma can and is being corrected. There are several initiatives currently under way that will result in the collection of more data and better data. These include implementation of the Atlantic Coast Cooperative Statistics Program (ACCSP), additional Congressional funding for the NOAA Fisheries data collection programs and development of the SEDAR process mentioned earlier.

The major goal of the ACCSP is to implement coast wide standards and protocols for the way in which all Atlantic coast agencies collect, manage, and disseminate fisheries statistics. It is a cooperative state and federal data collection and data management program. The ACCSP partners are the states, NOAA Fisheries, Atlantic States Marine Fisheries Commission, U.S. Fish and Wildlife Service, and the Councils. The purpose of this partnership is to coordinate and standardize the collection, processing and storage of all marine statistics resulting in a coast wide program that is timely, credible, ensures compatibility, and eliminates duplicate reporting. This program is funded by Congress, and along with continued increased funding for NOAA Fisheries data collection programs, is being aggressively supported by the Council. If the issue of insufficient data can be resolved, the SEDAR process will produce more precise assessments, develop consensus among scientists, and build confidence in management within the fisheries constituency.

Ecosystem-based management is another major challenge the Council will face. As data collections in the Southeast are just beginning to catch up with the needs for managing individual fish stocks, meeting the multifaceted data requirements associated with ecosystem-based management seems almost insurmountable. However, it appears from legislation being considered by Congress to amend the MSFCMA that some form of ecosystem-based management will be the way of the future. The South Atlantic Council is being proactive and already taking action to meet this challenge. The Council is pioneering an ecosystem approach to fisheries management with the development of a Fishery Ecosystem Plan (FEP) and Comprehensive Ecosystem Amendment that will amend all the Council FMPs. The Council completed and approved its "Action Plan for Ecosystem-Based Management" during 2004. The FEP and Comprehensive Ecosystem Amendment are scheduled to be completed during 2006.

Perhaps the Council's greatest challenge in the future will be dealing with more and more fishermen chasing too few fish. In 2002, there were an estimated 2,281,874 resident marine recreational anglers (NOAA Fisheries, MRFSS) along the South Atlantic coast. There were nearly 18 million recreational saltwater fishing trips taken. Coastal populations are growing at an incredible rate. This translates into more resource users and increased pressure on marine fish stocks and the habitat that supports them. Since this influx of new entrants is primarily recreational anglers, allocation issues will continue to arise and commercial fishing activities and the communities they support will be affected.

As the Council has met the challenges of the past, it is prepared to meet the challenges of the future.

Mr. Chairman, in closing I would like to again thank you for allowing me to appear before you on behalf of the council. We appreciate you holding this hearing and for your Committee's interest in the Fishery Management Councils.