Proposed Rule
SMZ Designation for Five Artificial Reefs in the EEZ

Mid-Atlantic Fishery Management Council
August 12, 2014
Washington, DC
Delaware SMZ Request

- June 2011 the Delaware Division of Fish and Wildlife requested SMZ status for five permitted artificial reefs in EEZ under Am 9 to SF, SC, BSB FMP
- Justification based on need to ameliorate gear conflicts on DE EEZ reefs between fishermen using hook and line gear and fixed pot/trap gear
- DE DFW faced with loss of funding for its reef program under Wallops-Breaux SFR Program
648.148 BSB Regs
Special Management Zones

- Army COE permit holder may request that Council designate artificial reefs and surrounding areas as SMZs
- Council may prohibit or restrain use of specific gear types deemed not compatible with the intent of the artificial reef permit through regulatory amendment
- DE maintains that use of fixed pot/trap gear not compatible with reef program objectives due to gear conflicts with hook and line gear
SMZ Procedure

- Monitoring Team Report presented to Council
- Chair may schedule meetings of AP and/or SSC to review Report and advise Council; may also schedule public hearings
- MAFMC may recommend to RA that a SMZ be approved
- If RA concurs, publishes Proposed Rule; if RA rejects SMZ recommendation - why not in writing
- After review of public comment, RA publishes final rule establishing SMZ if supported by weight of evidence in record and action is consistent with MSA and other applicable law.
SMZ Monitoring Team Report
SMZ Criteria Evaluated

1) Fairness and equity
2) Promotion of conservation
3) Avoidance of excessive shares
4) Consistency with FMP objectives, MSA and other applicable law
5) Natural bottom in and surrounding potential SMZs
6) Impacts on historical uses
SMZ Request Justification

- SMZ Team evaluated DE’s request based *solely* on need to resolve gear *conflicts* between hook and line fishermen and fixed pot/trap gear on DE permitted reefs in EEZ
Council Action

- Convened industry AP to receive input on options for SMZ designation of Delaware reefs in EEZ
- Convened three public hearings (January 2013)
- Council considering action on DE SMZ request at February 2013 Council meeting
All recreational fishermen that commented favored SMZ designation.

Arguments include recreational funds (SFR) paid for construction of reefs; gear conflict makes it difficult to fish reef sites, especially site 11; commercial gear too efficient/may be overfishing reef sites.
SMZ Public Comment Summary

- All commercial fishermen that commented favored no action alternative.
- Arguments include Council should allow access to reef sites by both commercial and recreational sectors; gear conflicts not a problem; commercial fishery subject to quota to control fishing mortality; SMZ would deny access to traditional fishing grounds.
- ALWRTP sinking ground line requirements should minimize interactions with H&L gear.
- Basic fairness issue relative to equal access to all fishing areas in the EEZ, including COE permitted artificial reef sites; will equivalent areas be set aside for commercial use only?
February 2013

- Council recommended to the RA with respect to the Special Management Zone designation proposal to approve option 2a (all five sites), 3b (hook, line and spear fishing only to include taking by hand), 4b (all year round), and a 500 yard buffer.
PR includes proposed measures as per the Council’s recommendation

Comment period open (recently extended to August 19, 2014)
Concerns

- Delaware opposes the buffer (see letter in briefing book)
- NEFMC letter raised concerned about denial of access to site 14 for sea scallop (within Elephant Trunk Access Area), skate and monkfish fisheries
- Concerns raised about potential impacts on lobster fishery
Delaware opposes the buffer (see letter in briefing book)

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Concerns raised about potential impacts on lobster fishery
Delaware Concerns

- Buffers unnecessary for enforcement due to improved electronic navigation and positioning systems.

- Buffers encompass additional hard bottom areas (traditional use access denial).
NMFS SMZ Proposed Rule
NEFMC Concerns

- Site 14 overlaps with fishing grounds for sea scallops, monkfish, skates
- EA incomplete (scallop revenue losses probably greater than indicated – up to $20 million); no evaluation of impact on skates or monkfish
- No reef materials at site 14, proposal would close an area actively fished with no benefits
Questions?