

Regulatory Amendment 31 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region and Regulatory Amendment 2 to the Dolphin Wahoo Fishery of the Atlantic

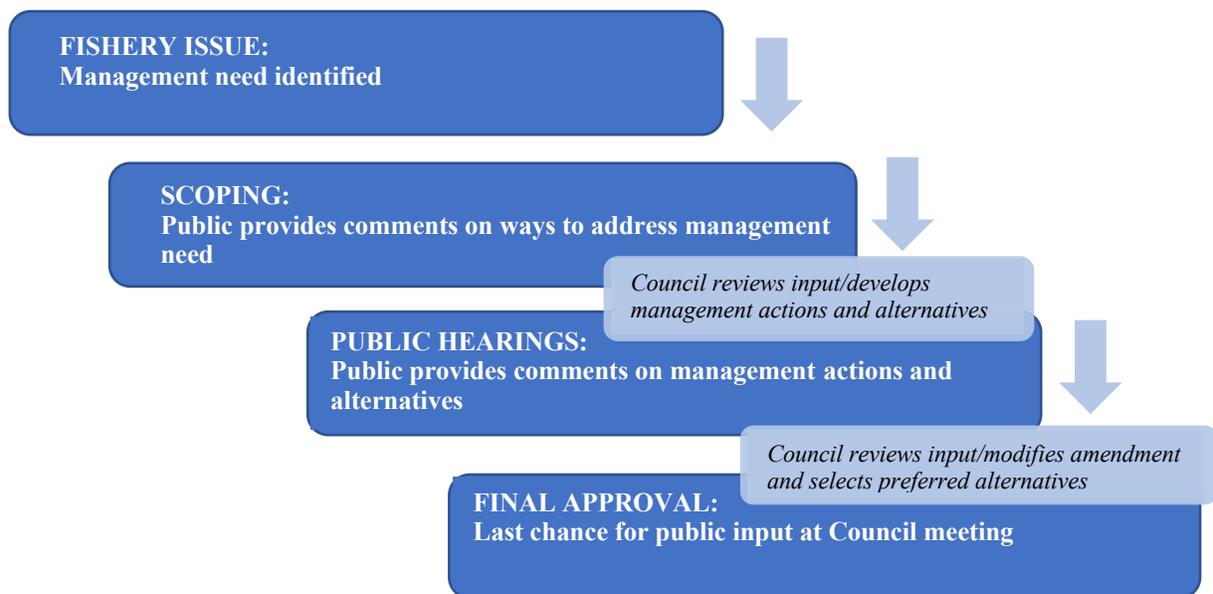
Scoping Document (Modifications to Recreational Accountability Measures)



What is Scoping?

Scoping is the first stage of the process to amend a fishery management plan (FMP) after an issue has been identified (see steps in the process below). Scoping has two main purposes: (1) to inform you that the Council may propose new regulations or change existing ones and (2) to allow you the opportunity to comment on the issue or identify other issues that may need the Council's attention. You will have more opportunity to provide comments as the amendment is developed; however, scoping is the first and best opportunity to make suggestions for the Council to consider before an amendment is developed.

Council Process- *Fishery Management Plan Amendment*



What Issues are being considered in Snapper Grouper Regulatory Amendment 31 and Dolphin Wahoo Regulatory Amendment 2?

Modification of the Recreational Accountability Measures (AM) in the snapper grouper and dolphin wahoo fisheries

The South Atlantic Fishery Management Council (Council) is considering modifying in season and post season accountability measures. In season AMs are actions that would occur if it is determined that the ACL has been met or is projected to met while the current fishing season is underway. Probably the most common in season AM is to close the fishing season for the rest of the fishing year to prevent overfishing or stop it from continuing. The Council is also considering what actions would occur if post season accountability measures are warranted. Post season AMs are those that would be applied in a subsequent fishing season should a previous season in fact did exceed its ACL. Examples of post season fishing AMs are to reduce the length of a subsequent season to make up for the losses, or to reduce the bag limit so anglers can't keep as many fish.

Instituting a policy of announcing when a fishing season will begin and end prior to the beginning of a fishing year

The Council is also considering whether it is feasible to announce the length of a fishing season by issuing beginning and ending dates of the fishing year ahead of time, as well as the impacts to fishery participation while ensuring that the recreational annual catch limit (ACL) will not be exceeded.

Revising the units used for tracking recreational ACL

The Council is considering standardizing how it monitors recreational ACLs. A few species are monitored in terms of the numbers of fish caught, while the majority of fish are tracked based on the numbers of pounds caught. The Council is considering the pros and cons of each method for tracking recreational fish landed.

Your input is important for the Council to determine whether further development of these issues should be pursued. If the Council continues work on these issues, how would you recommend the Council proceed?

For instance, some questions that could be considered are:

- Should the Council eliminate in season AMs? Doing so could reduce the possibility that fishing for a particular season would be shut down abruptly when the ACL is met or projected to be met, but could have negative consequences for future seasons if the ACL is exceeded because it was not closed in season.
- What post season AMs should the Council use to address overages of an ACL?
- What are the pros and cons of announcing when fishing for a species will begin and end ahead of the fishing season?
- Some recreational landings estimates are more reliable than others. How should the reliability of Marine Recreational Information Program landings be factored in to how and when AMs are applied?
- Do you have other suggestions for how the Council might address these concerns?

To help them answer these questions, the Council would like to get your input on the following topics and other decision points as they further discuss how to modify recreational AMs:

- Currently, the Council is only considering AM modifications for the Snapper Grouper and Dolphin Wahoo FMPs. Should the Council consider modifications for other FMPs such as the CMP (mackerels and cobia)? Should the Council not consider AM modifications for species whose recreational sector ACLs have not been met?
- Are there advantages for seeking consistency in AMs across species?
- What are the pros and cons of aggregating multiple years of data to determine whether a recreational ACL has been met prior to implementing an AM?
- What are the pros and cons eliminating in season accountability measures (e.g. closing a fishery down when the ACL is met or projected to be met) knowing that if the ACL is

going to be exceeded, but the fishery isn't closed, it could affect the ability to fish in future seasons?

- Recreational fisheries have bag limits for the number of fish that may be caught on a trip. Should recreational ACLs be tracked the same way, or should numbers of fish caught be estimated in pounds landed for determining whether an ACL has been reached?
- Should AMs be applied when the recreational ACL is exceeded, or should they be applied only if the total ACL combined from the recreational and commercial fisheries are exceeded?
- Should AMs be applied in all cases where the ACL is exceeded, or should it apply only to those fisheries where the stock is considered to be overfished?
- What kinds of post season accountability measures should be applied (e.g. shorten future seasons or reduce bag limits to increase the chance the ACL will not be exceeded in the future)?
- What are the potential pros and cons of establishing set fishing seasons prior to the start of a season?

Why is the Council Considering Action?

AM modifications

Currently, for the various dolphin, wahoo, and the various snapper grouper species there are nine variations of recreational accountability measures. (In addition, two snapper grouper species, speckled hind and warsaw grouper, effectively do not have AMs because their ACLs do not allow for any harvest.) By considering modifying recreational AMs, they want to bring as much consistency across species to reduce complexity and make it easier for recreational anglers to understand how AMs will be applied.

Additionally, at least some Council members would like to reduce the possibility of unexpected in season closures and the disruptions they cause to individual anglers and for-hire businesses in terms of planning fishing trips.

The overall Council goal with this amendment is to attempt to simplify, stabilize, and/or increase predictability of recreational fishing seasons while complying with the Magnuson-Stevens Act (MSA).

It must be noted that the MSA requires all federally managed species (which includes all species managed by the Council), must have AMs in place to respond to potential ACL overages. Therefore, one type of action the Council cannot consider is removing AMs altogether. Should the Council decide to eliminate in season AMs they would be required to have post season AMs, or vice versa.

Instituting a policy of announcing when a fishing season will begin and end prior to the beginning of a fishing year

Currently, two fisheries with recreational ACLs announce the beginning and end of the fishing season before it starts: black sea bass and red snapper. These two recreational fisheries have established specific dates for the seasons as a way to help anglers and for-hire vessel operators to plan for trips that specifically target these species.

In recent years, the black sea bass recreational ACL has not been caught. Therefore, the fishing season has lasted the entire fishing year, from April 1 through the following March 31st, so no ending date to the fishing year has had to be announced. Red snapper is in a rebuilding program and harvest of these fish is severely limited, usually on a few weekends each year. When a fishing season for red snapper can occur each of the allowing fishing weekends is announced in advance.

Revising the units used for tracking recreational ACL

Currently, the ACLs for red snapper, hogfish, mutton snapper, golden tilefish and snowy grouper are tracked in numbers of fish. All other snapper grouper species, as well as dolphin and wahoo are tracked in pounds landed. There are advantages and disadvantages to tracking ACLs in each format.

If a specie is in a rebuilding plan for example, because there are insufficient numbers of larger, more gravid fish, or if the size limit increases for allowable fish, the average size, as well as the overall numbers of fish are expected to increase over time. Having more fish available makes it easier to encounter them. In turn, this means that it would take few numbers of fish to reach the ACL and the ACL is likely to be reached more quickly. Tracking ACLs in numbers of fish could allow greater numbers of fish to be caught over time.

Conversely, tracking ACLs in numbers of fish as opposed to weight could slow down stock rebuilding. Larger, more gravid fish are more likely to produce a greater number of offspring, potentially making it possible for more fish to reach reproductive size in the future.

Background

Below is list of all the current recreational AMs for snapper grouper and dolphin wahoo species.

1. **Recreational AM:**

If recreational landings reach or are projected to reach the recreational ACL, NMFS will close the recreational sector for the remainder of the fishing year, unless the RA determines that a closure is unnecessary, regardless if the stock status is overfished. If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species, or one or more species in a species complex, is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. (SG Am 34)

Affected species: Atlantic Spadefish, Bar Jack, Black Grouper, Gag, Golden Tilefish, Gray Triggerfish, Greater Amberjack, Mutton Snapper, Red Grouper, Red Porgy, Scamp, Snowy Grouper, Wreckfish, Yellowtail Snapper, Jacks Complex: Almaco Jack/Banded Rudderfish/ Lesser Amberjack, Snappers Complex: Gray Snapper/Lane Snapper/Cubera Snapper, Shallow-Water Groupers Complex: Red Hind/Rock Hind/Yellowmouth Grouper/Coney/

*Graysby, Porgy Complex: Jolthead Porgy/Knobbed Porgy/Saucereye Porgy/Scup/
Whitebone Porgy*

2. Recreational AM:

For the black sea bass recreational sector, NMFS will annually announce the recreational fishing season start and end dates in the Federal Register and by other methods, as deemed appropriate. The fishing season will start on April 1 and end on the date NMFS projects the recreational ACL will be met. NMFS will project the length of the recreational fishing season based on when NMFS projects the recreational ACL specified in this paragraph is expected to be met and announce the recreational fishing season end date in the Federal Register prior to the start of the recreational fishing year on April 1. (SG Reg 14)

Affected Species: *Black Sea Bass*

3. Recreational AM:

If recreational landings, as estimated by the Science and Research Director, exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of the fishing season and the recreational annual catch limit in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total annual catch limit (commercial annual catch limit and recreational annual catch limit) is exceeded. The length of the recreational season and recreational annual catch limit will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. (SG Am 32).

Affected Species: *Blueline Tilefish*

4. Recreational AM:

If recreational landings reach or are projected to reach the recreational annual catch limit, the recreational sector will close for the remainder of the fishing year, unless NOAA Fisheries determines that a closure is unnecessary. If recreational landings exceed the recreational annual catch limit, then during the following fishing year, landings will be monitored for a persistence in increased landings. If necessary, the length of fishing season and the recreational annual catch limit will be reduced in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total annual catch limit is exceeded. The length of the recreational

season and recreational annual catch limit will not be reduced if NOAA Fisheries determines a reduction is unnecessary. (SG Am 37)

Affected Species: *GA-NC Hogfish, FL Keys, E FL Hogfish*

5. Recreational AM:

In-season closure.

Affected Species: *Red Snapper*

6. Recreational AM:

If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL and species is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. Without regard to overfished status, if recreational landings exceed the ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the ACL for that fishing year by the amount of the overage. Compare the recreational ACL with recreational landings over a range of years. For 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL. (Am 17B) If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL, the AA will file a notification to close the recreational sector for the remainder of the fishing year. Payback of a recreational overage would only take place if vermilion snapper are overfished and the total ACL is exceeded due to an overage in the recreational ACL. The amount of the overage would be deducted from the following year's recreational ACL. (Reg 14)

Affected Species: *Vermilion Snapper*

7. Recreational AM:

If recreational landings, as estimated by the Science and Research Director, exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of the fishing season and the recreational annual catch limit in the following fishing year by the amount of the recreational overage, only at least one species in the complex is overfished and the total annual catch limit (commercial annual catch limit and recreational annual catch limit) is exceeded. The length of the recreational season and recreational annual catch limit will not be reduced if the Regional

Administrator determines, using the best scientific information available, that a reduction is unnecessary. (Am 32).

Affected Species: *Deepwater Complex: Yellowedge Grouper/Silk Snapper/Misty Grouper/Sand Tilefish/Queen Snapper/Blackfin Snapper*

8. Recreational AM:

If annual landings exceed ACL, the following year's landings would be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the fishing season as necessary. (Comp ACL Am)

Affected Species: *Grunts Complex: White Grunt/Sailor's Choice/Tomate/Margate*

9. Recreational AM:

If recreational landings, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the RA shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the RA determines, using the best scientific information available, that a reduction is unnecessary. (DW 5)

Affected Species: *Dolphin, Wahoo*

Proposed Timing of Amendment

Process Steps	Dates
Scoping webinar hearings	January 2019
Council reviews scoping comments and revise actions/alternatives	March 2019
Review and revise action/alternatives	June 2019
Approval for public hearings	June 2019
Public hearings	Summer 2019
Review public hearing comments and approve all actions/alternatives	September 2019
Final action to approve for secretarial review	December 2019

How do I comment?

Comments on this amendment will be accepted during from January 9 – February 1, 2019.

The Council requests that written comments be submitted using the online public comment form for each amendment available from the Public Hearings and Scoping Meetings page at <https://safmc.wufoo.com/reports/recreational-accountability-measures-report/>.

Comments submitted using the online comment form are immediately posted to the Council's website and available for all Council members and the public to view.

Written comments must be received by 5:00 PM on **February 1, 2019**.

Comments by mail: Send comments to Gregg Waugh, Executive Director, SAFMC, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

Comments by fax: 843/769-4520.

View presentations and access the public hearing and scoping documents from <http://safmc.net/safmc-meetings/public-hearings-scoping-meetings/> or contact the Council office at 843/571-4366 (toll free 866/SAFMC-10).

Two live, interactive webinars will be held beginning at 6 pm on January 23rd and January 24th. You will be able to ask questions and give oral public comments at that time. Online registration for the webinars is required. You can register at: <http://safmc.net/safmc-meetings/public-hearings-scoping-meetings/>