

Discussion on Guidance from the South Atlantic Fishery Management Council When Considering Reopening Commercial Harvest in the Southeast Region

**Southeast Regional Office
March 2017**

Background

The South Atlantic Fishery Management Council (Council) and NOAA Fisheries developed annual catch limits (ACLs) for species and species complexes managed under fishery management plans, and the ACLs are harvest levels put in place to prevent overfishing. To prevent ACLs from being exceeded, and overfishing from occurring, measures to ensure accountability measures (AMs) are triggered once an ACL is met or is projected to be met. Implementing an AM usually results in closing federal waters to the harvest of a species. Additionally, there are preventative in-season actions that for the commercial sector include implementing a reduction in commercial trip limits to decrease the rate of fishing. However, there have been some instances in which a percentage of the ACL was not harvested after an AM was triggered to close commercial harvest. In such instances, harvest is sometimes reopened for a short time to allow the additional ACL to be harvested. However, reopening the commercial sector can increase the risk of landings exceeding the ACL. The intent of this discussion document is to outline criteria that the Council may want to consider when providing guidance to NOAA Fisheries regarding whether to reopen commercial harvest after a closure has occurred, while minimizing the risk of exceeding an ACL.

Current Council Guidance to Reopen Commercial Harvest After a Closure Has Occurred

In December 2012, the Council provided advice to the NOAA Fisheries Southeast Regional Office (SERO) Regional Administrator (RA) concerning reopening harvest of a species after a commercial closure, when new information and projections were received showing that a percentage of the ACL was not yet harvested. The Council recommended that commercial harvest should be reopened if less than 95% of the ACL was harvested prior to the end of the fishing year (or 94.5 rounded to 95 %).

On October 11, 2016, the South Atlantic commercial harvest of vermilion snapper was closed because the quota for the second 6-month commercial season was projected to be met by that date. However, after the closure, it was determined that only 93.61% of the quota had been caught by the closure date. The Southeast Fisheries Science Center's (SEFSC) projections indicated commercial harvest of vermilion snapper could resume for two days to allow the commercial sector to harvest the remainder of their quota. Subsequent to the closure and at the December 2016 Council meeting, SERO explained these facts and the Council discussed their December 2012 guidance to the RA and whether the commercial harvest of vermilion snapper should be reopened. Additionally, the Council directed staff to develop discussion points on the reopening issue for discussion at a future Council meeting. This discussion document may be useful to help the Council determine if the current guidance (reopen if less than 95% landed) should be modified.

The following factors could be considered when deciding whether to reopen the commercial sector after a harvest closure has occurred:

- 1) At what percentage of the ACL or quota should commercial harvest be reopened and should this be the same for all species?
- 2) Should there be a minimum number of days of allowable harvest to allow a reopening to occur?
- 3) Should stock status be considered?
- 4) How does timeliness of data reporting and collection affect a reopening?

Factors to Consider and Foreseeable Challenges

At what percentage of the ACL or quota should commercial harvest be reopened after a closure and should this be the same for all species? Should there be a minimum number of days of fishing remaining before a reopening can occur?

The current guidance to reopen commercial harvest when it has been closed in-season due to the ACL being met or projected to be met, is to reopen if less than 95% of the ACL was harvested prior to the end of the fishing year (where 94.5 is rounded to 95 %). However, each species or species complex has a different commercial ACL, and that ACL can range from a few thousand to several million pounds. Therefore, a 95% trigger is a different magnitude of the quota for each species. Commercial catch rates are also unique to each species, and unpredictable at times, which can increase the uncertainty of reopening projections. Consequently, reopening for a pre-determined number of days increases the risk that additional harvest could exceed the ACL.

In the case of vermilion snapper, commercial harvest was slightly below 95% of the quota after the initial October 11, 2016, closure was implemented. With a little over 5% of the ACL left to be harvested, it was determined by the SEFSC that commercial harvest for the species could reopen for only two days. After harvest was reopened for two days, and based on preliminary 2016 landings, 98%¹ of the quota was met. Reopening harvest for a brief period could potentially create a derby fishery, which also may increase the chances of exceeding the ACL or quota, as well as create safety concerns for fishermen. Reopening harvest for most species or species complexes would likely occur at the end of the calendar year when weather may be worse than other times of the year. At the December 2016 Council Meeting, the U.S. Coast Guard stated that they did not support a one or two-day reopening for vermilion snapper due to safety concerns.

Should stock status be considered?

Stock assessments have been conducted for some species in the South Atlantic, but many of the managed species have not been assessed. Additionally, exceeding an ACL for one sector may not result in the total ACL for the species or species complex being exceeded. The Council may want to consider whether a species is undergoing overfishing or is overfished. Data-poor species (i.e., lacking a SEDAR assessment), or species where the ACL has been exceeded in recent years, may require more cautious consideration for a possible reopening.

How does timeliness of data reporting and collection affect a reopening?

There is often a lag between when landings data are obtained and when they become available to compare landings to the ACL. Late reporting, and the lack of consistency between state and federal regulations, are both factors that reduce compliance and can make it more difficult for federal fishery managers to constrain harvest to target levels. This is especially true in the recreational sector. Commercial landings data are reported by dealers with a federal permit on a weekly basis.

¹ The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two 6-month quotas. The commercial quota for vermilion snapper during the January through June season, and the July through December season are each 431,460 pounds whole weight (lbs ww), for a total 2016 commercial ACL of 862,920 lbs ww. Preliminary 2016 landings were 854,788 lbs ww. This results in 99% of the 2016 commercial ACL being met.

However, the unused portion of the quota from the January through June season was added to the July through December quota for a total July through December quota of 432,305 lbs ww. This results in a 2016 commercial ACL of 863,765 lbs ww, and 98.3% of the ACL being met.

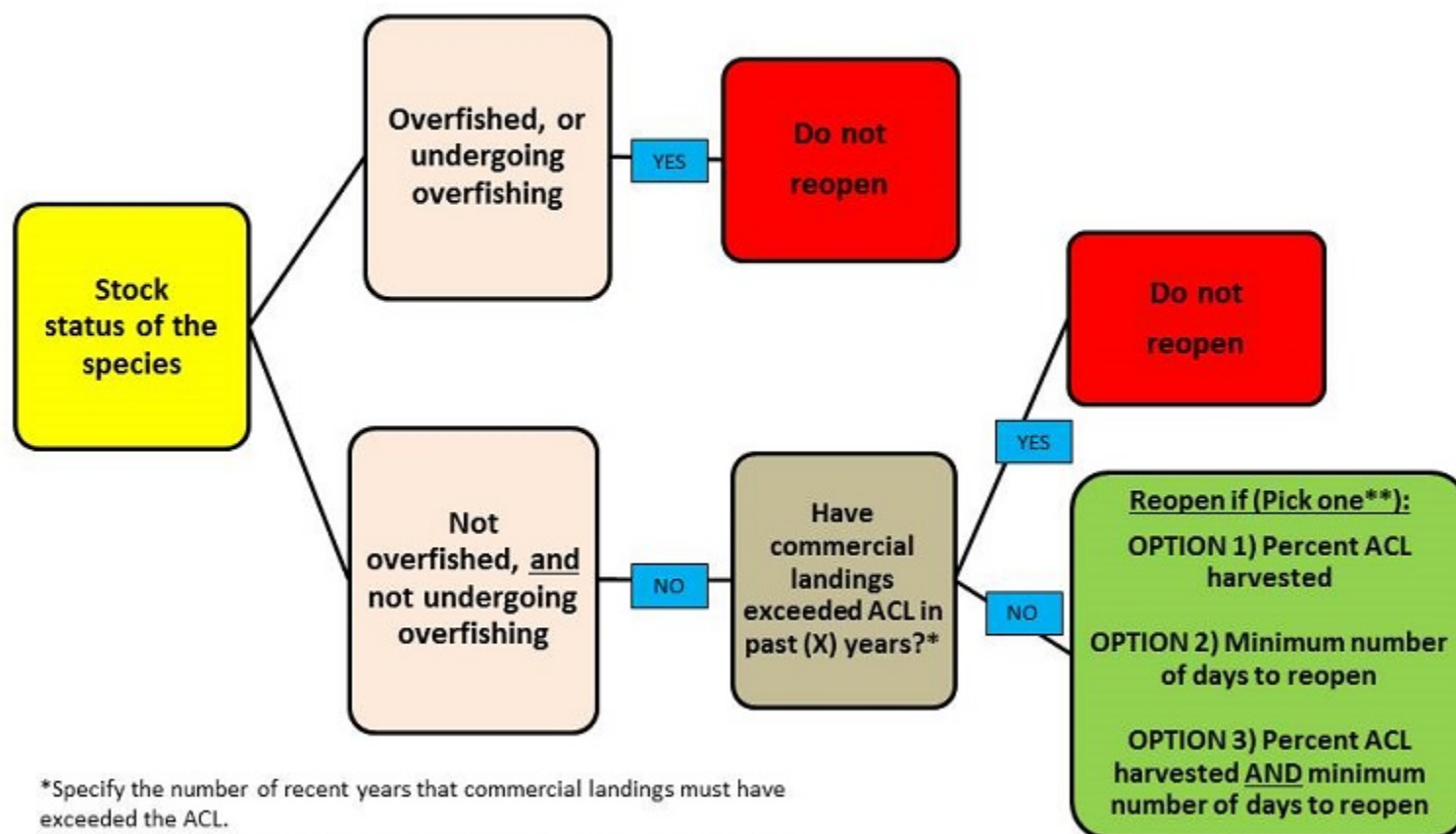
Possible Guidance for Reopening Fisheries

The current guidance is to reopen commercial harvest if less than 95% of the ACL has been harvested. The Council is currently considering whether to change their guidance for reopening. Two approaches are provided for discussion:

- 1) There are three options for the first approach. However, all the factors mentioned above are not considered in these options.
 - a) The first option is to maintain a “95 percent policy,” currently used, which helps to ensure that each species or species complex is given the opportunity to reach the commercial ACL.
 - b) Under the second option, projections from the SEFSC would need to demonstrate that at least an **X** number of days (e.g., at least two) are available to achieve the ACL.
 - c) The third option would reopen commercial harvest if landings are less than 95% of the ACL, AND the projections show that at least **X** number of days (e.g., at least two) are needed to achieve the ACL.

- 2) A second approach, which is less straightforward and requires more analysis before making a decision, would be to employ a “decision-tree” tool, which could take into account all factors and outcomes mentioned above. The decision tree approach is more of a species-specific tool (See **Figure 1**). Factors to be considered could include, but are not limited to stock status, late reporting, overages in recent years, landings by sector, weather, and safety concerns. However, a disadvantage of this approach is that more evaluation must go into the final determination, and even in the case of a reopening, there is still no guarantee that all harvest will be met or that it will not exceed the ACL.

Figure 1. Flow Chart Showing Possible Guidance from the SAFMC When Considering Reopening Commercial Fisheries in the Southeast Region



*Specify the number of recent years that commercial landings must have exceeded the ACL.

**Specify which option is preferred by the SAFMC in order to reopen. For example: Less than 95% of the ACL is harvested; 2-day minimum reopening; or less than 95% of the ACL is harvested and 2-day minimum reopening.