

Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Options Paper



September 2013

Background

Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Amendment 22) is being developed to closely control annual harvest levels of snapper grouper species with exceptionally low recreational annual catch limits (ACLs). In order to accomplish this, the South Atlantic Fishery Management Council (Council) requested that an amendment be developed to create a recreational tag program for these species. Recreational fishery participants would be issued tags through a pre-determined process implemented by NOAA Fisheries Service. Tags issued to individuals or entities would allow the tag holder to harvest a set number of fish from federal waters in the South Atlantic Region.

A Notice of Intent (NOI) to Prepare a Draft Environmental Impact Statement for Amendment 22 was published on January 3, 2011, [76 FR 101]. The NOI listed several options the Council could consider when addressing long-term management for red snapper, including trip limits, bag limits, a catch share program, temporal and spatial closures including those to protect spawning stocks, a tag program, and gear prohibitions. Subsequent to the publication of the 2011 NOI, the amendment has been modified twice; once to apply a recreational harvest tag program to deep water snapper grouper species in addition to red snapper, and again to remove all species-specific options and create a harvest tag program that could be applied to any snapper grouper species with a very small recreational ACL. Based on these modifications, a supplemental NOI is being published in the *Federal Register* to provide notice to the public of the broadened scope of Amendment 22.

Possible Actions in Amendment 22

- Action 1.** Establish a recreational harvest tag program framework that can be applied to any South Atlantic snapper grouper species with a low recreational ACL.
- Action 2.** Determine the duration of the program for affected species.
- Action 3.** Establish eligibility criteria for individual/entities to participate in the harvest tag program.
- Action 4.** Establish an annual harvest tag issuance process for snapper grouper species included in the recreational tag program.
- Action 5.** Transferability of recreational harvest tags.
- Action 6.** Establish a data collection program for fish harvested under the tag program.
- Action 7.** Cost recovery plan.

Proposed Timeline

- Council provides guidance at September 2013 meeting
- SSC to review document at their October 2013 meeting
- Council chooses preferreds for all actions and approves for public hearings at December 2013 meeting
- Hold public hearings in Jan/Feb 2014
- Council review public input at March 2014 meeting
- Approve for submission in March or June 2014
- Regulations implemented in late 2014

Proposed Purpose and Need

The *purpose* of Amendment 22 is to create a recreational harvest tag program structure in the South Atlantic region that could be applied to any federally-managed snapper grouper species with a small recreational annual catch limit as determined by the South Atlantic Fishery Management Council and the Regional Administrator, and establish a data collection system for those harvesting fish under the tag program.

The *need* for action in Amendment 22 is to achieve optimum yield for the snapper grouper resource without exceeding specified overfishing levels through control of the allowable recreational harvest of snapper grouper species in the South Atlantic via a tag program. Such a program is intended to help maintain harvest levels at or below specified recreational ACLs, and gather fishery-dependent data for the snapper grouper fishery. A harvest tag program for snapper grouper species with small recreational ACLs would constrain harvest to sustainable levels while ensuring fairness and equitability of access to fishing opportunities for the subject species.

Considerations for Developing Actions and Alternatives

The proposed actions and alternatives should be developed to meet the purpose and need. Each action would contain a range of alternatives, including the no action (the current regulations).

I. Recreational Harvest Tag Program Characteristics:

Below is a list of tag program elements that have been decided by the Council and the SSC's SEP.

- Any U.S. Citizen may apply for a tag
- NOAA Fisheries would be responsible for administering the tag program.
- Tags would be non-removable, 1-time use tags (i.e., affixed to jaw) that would be issued once per fishing year.
- Tags would be transferable (per Socio-Economic Panel of SSC)
- The lottery and tag transfer market should be electronic.

NOTE: The IPT has concerns that there may be issues with data collection requirements if tags are transferable.

- Tags would be valid for a single season.
- Options for voluntary and required reporting options should be included in the amendment. (Data to be collected would include: date of landing, tag number, permit/license number, vessel name and number, other species targeted on the trip, discard information...)
- Administrative cost would be recovered through a fee to pay for the program (estimate will be included in rule-making).
- Tags would be issued through a lottery with replacement (if a fisherman receives a tag in a given year, the recipient should be allowed to participate in the lottery in the next year, and one lottery participant would not be able to receive multiple tags while others receive none).
- Lottery entrants would need to own a recreational fishing license/permit appropriate for the fishing destination at the time of application for the tag.
- If the number of tags is equal to or more than the number of lottery participants, each participant should receive the same number of tags with any remaining tags being allocated to participants via lottery.

Issues That Require Additional Council Input:

1) How will the Council decide which species to include in the program?

- Season length (an arbitrary season length, on MRIP wave, average catch rates)?
- A threshold landings level?
- A threshold based on average Percent Standard Error (PSE) (for example, above a certain PSE a species would be eligible)?
- Threshold based on MRIP encounter rate (from MRIP raw data)?

2) How would species be removed from the program if it is no longer necessary for them?

3) How are “U.S. citizens” being defined, should we also include the phrase “permanent resident aliens”?

- This is the definition used for the Gulf red snapper IFQ program:
622.21(b)(11) Eligibility to participate in the Gulf red snapper IFQ program as of January 1, 2012. ...The requirements to meet the definition of a U.S. citizen are described in the Immigration and Nationality Act of 1952, as amended, and permanent resident aliens are those individuals who have been lawfully accorded the privilege of residing permanently in the U.S. in accordance with U.S. immigration laws. In order to harvest and possess Gulf IFQ red snapper, the requirements for a Gulf red snapper IFQ vessel account, as specified in paragraph (b)(1) of this section, or a Gulf IFQ dealer endorsement, as specified in paragraph (b)(2) of this section apply.
- In the red snapper IFQ amendment they refer to those eligible as “permanent resident aliens”.

- 4) **Would Canadian citizens be able to enter the lottery, and can tags be transferred to non-U.S. citizens?**
- 5) **Many states do not require a fishing license for people under a certain age, so would those people not be able to enter the lottery?**
- 6) **If there is a data collection “requirement” and tags are transferable, who would be held responsible for reporting the data; the person to which the tag has been transferred or the persons to which the tag was originally issued?**
- 7) **If a person fails to report (if data collection is required) what sanctions could be placed on that person to deter non-compliance?**
 - Exclusion from the lottery in the following year
- 8) **If data reporting is required, will the tag holder need to report no harvest if they do not use the tag?**
- 9) **If data reporting is voluntary what incentive could NMFS provide to encourage reporting?**
 - Maybe give them priority in the next season’s lottery?

II. Recreational Harvest Tag Program Overview and Objectives

The objective of the recreational harvest tag program would be to closely control recreational harvest of snapper grouper species with low ACLs that are traditionally difficult to track in-season.

If Implemented, How Would the Harvest Tag Program Work?

- 1) The Council would determine which species would be included in the tag program.
- 2) An amendment would be developed to add the species chosen by the Council to the program.
- 3) If implemented, the recreational fishing community would be notified of the addition of a species to the harvest tag program with enough notice to allow potential entrants in the lottery to meet the lottery entry prerequisites.
- 4) The lottery would open at a predetermined date and time and would remain open for a set period of time.
- 5) Individuals or entities interested in obtaining a recreational harvest tag for a certain species would enter the lottery and would be notified of whether or not they have won a tag by either receiving a tag in the mail or receiving a letter/e-mail notifying them they did not win a tag.
- 6) When the fishing season opens, individuals or entities with tags may harvest one fish per tag and must affix the tag to the fish immediately upon harvest.
- 7) If the Council establishes a voluntary or required data collection program, the tag holder would fill out the harvest information using the survey instrument chosen by the Council i.e., a catch card, web site, or some other means, and submit the information to NMFS.

III. Example Species with Low Recreational ACLs

Snowy grouper: The recreational ACL is 523 fish and harvest is limited to one per vessel per day. The current recreational accountability measure is: If recreational landings, as estimated by the SRD, exceed the recreational ACL of 523 fish, 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 length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. Recreational landings will be evaluated relative to the ACL as follows: For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL. The recreational ACL was exceeded in 2012 by 395%. Estimated landings were 2,065 fish.

Golden Tilefish: The recreational ACL is 3,019 fish and harvest is limited to one per vessel per day. The current recreational accountability measure is: If recreational landings for golden tilefish, as

estimated by the SRD, meet or are projected to meet the recreational ACL of 3,019 fish, 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. If recreational landings for golden tilefish, 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 and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

In 2011, the recreational ACL for golden tilefish was 1,578 fish. Estimated landings for 2011 were 9,863 (625% overage). The recreational ACL was increased in 2012 to 3,019 fish. Estimated landings in 2012 were 3,627 (120% overage).

Wreckfish: The recreational ACL is 11,750 pounds whole weight (ww) and harvest is limited to one per vessel per day. Harvest is allowed annually during July and August. The current recreational accountability measure is: If recreational landings for wreckfish, as estimated by the SRD, exceed the recreational ACL of 11,750 pounds ww, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary. In 2012, estimated wreckfish recreational landings were 964 pounds ww; 8% of the recreational ACL.

VI. Possible Actions and Alternatives

Action 1. Establish a recreational harvest tag program framework that can be applied to any South Atlantic snapper grouper species with a low recreational ACL.

Alternative 1 (No Action). Do not develop a recreational harvest tag program framework for snapper grouper species with very small ACLs and maintain the current system of ACLs and AMs for these species.

Alternative 2. Establish a recreational harvest tag program for the private recreational sector. *[this option implies that the recreational ACL would need to be allocated between the recreational and for-hire sectors].*

Alternative 3. Establish a recreational harvest tag program for the private recreational sector and the for-hire sector.

Action 2. Establish criteria for adding and removing species from the program.

Alternative 1 (No Action). Do not establish a set formula or criteria for adding or removing snapper grouper from the recreational harvest tag program and allow the Council to add or remove species as they deem appropriate based on available information.

Alternative 2. Use season length as a criterion to add a snapper grouper species to the recreational harvest tag program.

Sub-Alternative 2a. Choose an average season length threshold; if a species traditionally has a season length of less than X, the species is eligible to be included in the tag program.

Sub-Alternative 2b. Use projected catch rates to determine how long a season will be open. If the season will be less than X then the species would be eligible to be included in the tag program.

Alternative 3. Use harvest parameters to determine which snapper grouper species to add to the tag program.

Sub-Alternative 3a. Choose a specific harvest level; if harvest of a species is below X level it would be eligible to be included in the tag program.

Sub-Alternative 3b. Choose a PSE level; if a species' PSE level is above X that species is eligible to be included in the tag program.

Sub-Alternative 3c. Use MRIP encounter rate; if the encounter rate is less than X the species would be eligible to be included in the tag program.

Alternative 4. Use an ongoing monitoring program to track variables such as season length, PSE, MRIP encounter rates etc., and stock status to determine which species should be eligible to be added or removed from the tag program.

Sub-Alternative 4a. Assess the need for addition or removal of species to and from the tag program annually.

Sub-Alternative 4b. Assess the need for addition or removal of species to and from the tag program every two years.

Sub-Alternative 4c. Assess the need for addition or removal of species to and from the tag program every three years.

Sub-Alternative 4d. Assess the need for addition or removal of species to and from the tag program every four years.

Sub-Alternative 4e. Assess the need for addition or removal of species to and from the tag program every five years

Action 3. Establish eligibility criteria for individual/entities to participate in the recreational harvest tag program.

Alternative 1 (No Action). Do not establish eligibility criteria for individuals or entities who wish to obtain recreational harvest tags for snapper grouper species. Anyone could apply to receive a tag.

Alternative 2. To be eligible to receive a recreational harvest tag the applicant must be a U.S. Citizen or permanent resident alien, own a valid recreational fishing license from the state in which they will be fishing if granted a harvest tag, and have a valid/renewable Charter/Headboat for Snapper Grouper permit (if the Council chooses Alternative 3 under Action 1). *[this option would prohibit foreign vacationers from getting tags.]*

Alternative 3. To be eligible to receive a recreational harvest tag the applicant must own a valid recreational fishing license from the state in which they will be fishing if granted a harvest tag, and have a valid/renewable Charter/Headboat for Snapper Grouper permit (if the Council chooses Alternative 3 under Action 1). *[this option would address the issue of Canadian and other non-citizens not being able to get tags].*

Alternative 4. To be eligible to receive a recreational harvest tag the applicant must be a U.S. Citizen or permanent resident alien.

Action 4. Establish an annual harvest tag issuance process for snapper grouper species included in the recreational harvest tag program.

Alternative 1 (No Action). Do not establish a harvest tag issuance process for the tag program established under Action 1.

Alternative 2. Tags would be issued via an electronic web-based lottery program.

Alternative 3. Tags would be issued primarily through an electronic web-based lottery with a secondary option to enter the lottery through a mail-in or call in system. *[this option would ensure that everyone interested in entering the lottery is able to regardless of whether or not they have internet access].*

**Note: Under Alternatives 2 and 3, one lottery participant would not be able to receive multiple tags while others receive none, and if the number of tags is equal to or more than the number of lottery participants, each lottery entrant would receive the same number of tags with any remaining tags being allocated to participants via lottery.*

Action 5. Address transferability of recreational harvest tags.

Alternative 1 (No Action). Regulations would be silent on transferability of recreational harvest tags.

Alternative 2. Recreational harvest tags may be transferred to any U.S. citizen or permanent resident alien with a valid recreational fishing license for the state in which they intend to fish.

Alternative 3. Recreational harvest tags may be transferred to any individual or entity holding a valid recreational fishing license for the state in which they intend to fish.

Action 6. Establish a data collection program for fish harvested under the tag program.

Alternative 1 (No Action). Do not collect data on harvested fish from tag program participants. The harvest tag program would only be used to control harvest and not for data collection purposes.

Alternative 2. Establish a *voluntary* catch card program, whereby harvest tag holders would have the option of filling out a card with the specifics of their catch (as determined by the Council) and mail the card to the Southeast Fisheries Science Center or enter the information into a web site/cell phone application administered by the Southeast Fisheries Science Center.

Alternative 3. Establish a data reporting requirement for harvest tag holders whereby the angler is *required* to provide harvest information either through a catch card that is mailed to the Southeast Fisheries Science Center or by entering the information on a data collection web site/cell phone application. If the angler fails to report they will not be eligible to receive a harvest tag for that species the following fishing season.

NOTE: the fact that the tags could be transferable, as suggested by the SSC, may make enforcement of data reporting difficult. I.e. who would need to report, the person the tag was initially issued to, or the person who used the tag. How would you enforce the latter?

Action 7. Cost recovery plan.

Alternative 1 (No Action). Do not implement a cost recovery plan for the recreational harvest tag program. Collection of such fees is necessary to recover cost for enforcement and program administration including data collection, management, and distribution.

Alternative 2. All cost recovery fees would be the responsibility of the recreational harvest tag lottery entrant. Fees would be assessed at the time of entering the lottery.

Alternative 3. All cost recovery fees would be the responsibility of the recreational harvest tag lottery entrant. Fees would be assessed prior to issuance of the harvest tag.