

Regulatory Amendment 30

(Rebuilding schedule, seasonal prohibition, and commercial trip limit for red grouper)

Decision Document

With guidance from the October 2018 Snapper Grouper Committee Meeting

Background

The most recent red grouper assessment (SEDAR 53) indicated that the stock is undergoing overfishing and is not making adequate progress towards rebuilding, which is supposed to take place by 2020 under the current rebuilding plan. The Council was formally notified of the red grouper stock status via a letter from NMFS dated September 27, 2017, requiring the Council to prepare and implement a plan amendment and regulations within two years to end overfishing immediately and rebuild the stock. The Council has moved to end overfishing through a revised ABC and ACL for red grouper that was implemented via Abbreviated Framework Amendment 1 but has not yet revised the red grouper rebuilding plan.

In March 2018, the Council directed staff to begin development of an amendment to revise the current rebuilding plan to meet the statutory deadline of September 27, 2019. The Council discussed options for Regulatory Amendment 30 at their June 2018 meeting and directed staff to

consolidate management measures addressing red grouper into the amendment, adding actions to change or extend the spawning season closure for red grouper in the EEZ off of the Carolinas and to implement a commercial trip limit for red grouper in the entire South Atlantic EEZ. During the Snapper Grouper Committee discussion on red grouper, it was noted that a bag limit reduction for the recreational sector was not needed, as analysis in Vision Blueprint Regulatory Amendment 26 showed less than a 1% change in landings for the species.

Public hearings for the amendment occurred at the September 2018 meeting during the public comment session. The Council is scheduled to approve the amendment in December 2018 to allow adequate time to implement a new rebuilding plan before the statutory deadline of September 27, 2019. A potential confounding factor for this schedule is the MRIP revision stock assessment that the Council will review at their December 2018 meeting, which has the potential to alter the rebuilding timeline for red grouper.

Actions in this amendment

- **Action 1:** Revise the Rebuilding Schedule for Red Grouper
- **Action 2:** Modify the seasonal prohibition on recreational harvest and possession of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina
- **Action 3:** Modify the seasonal prohibition on commercial harvest, possession, sale, and purchase of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina
- **Action 4:** Establish a commercial trip limit for red grouper harvested in the South Atlantic Exclusive Economic Zone.

Expected amendment timing

September 2018	Council received public comments, made changes to purpose and need statements as well as actions/alternatives
December 2018	Consider approval for formal review
September 2019	Snapper Grouper Regulatory Amendment 30 actions are implemented

Purpose and need statement

Purpose for Action

The *purpose* of this amendment is to modify the rebuilding schedule for red grouper based on the results of the most recent stock assessment; minimize regulatory discards; and extend protection for red grouper during the spawning season.

Need for Action

The *need* of this amendment is to rebuild the red grouper stock and achieve optimum yield while minimizing, to the extent practicable, adverse social and economic effects.

Proposed Actions and Alternatives

Action 1. Revise the Rebuilding Schedule for Red Grouper

Alternative 1 (No Action). The current rebuilding schedule is set at the maximum time period allowed to rebuild (T_{\max}). This is equal to 10 years with the rebuilding time period ending in 2020. 2011 was Year 1.

Alternative 2. Revise the rebuilding schedule to equal the shortest possible time period to rebuild in the absence of fishing mortality (T_{\min}). This would equal 6 years with the rebuilding time period ending in 2023. 2018 would be Year 1.

Alternative 3. Revise the rebuilding schedule to equal 8 years with the rebuilding time period ending in 2025. 2018 would be Year 1.

Preferred Alternative 4. Revise the rebuilding schedule to equal the maximum time period allowed to rebuild (T_{\max}). This would equal 10 years with the rebuilding time period ending in 2027. 2018 would be Year 1.

Discussion:

- This proposed action is necessary to satisfy the statutory requirement that the Council revise the rebuilding schedule for red grouper by September 27, 2019. The other statutory requirement to end overfishing was handled in Abbreviated Framework Amendment 1 that revised the red grouper ABC and ACL.
- None of the proposed alternatives to revise the rebuilding schedule are expected to alter the manner in which the red grouper resource is exploited.

- T_{\max} and T_{\min} are set according to guidance found in National Standard 1. T_{\min} is defined as “*the amount of time the stock or stock complex is expected to take to rebuild to its MSY biomass level in the absence of any fishing mortality.*” According to SEDAR 53, this is 6 years, thus T_{\min} is specified as 6 years in **Alternative 2**.
- The guidance for setting T_{\max} is as follows: “*If T_{\min} for the stock or stock complex is 10 years or less, then T_{\max} is 10 years.*” Hence why T_{\max} is 10 years in **Alternative 4**.
- The probability of success for rebuilding the stock would be highest under the longest time period to rebuild.
- Less time to rebuild would theoretically translate into higher biological benefits for the stock but a lower probability of success for rebuilding the stock.
- A standard assessment for red grouper is scheduled to start in 2021. The likely FMP amendment that will occur due to this standard assessment will correspond with the SSC’s recommended timing to revisit the appropriate long-term recruitment assumption for red grouper. The rebuilding schedule will likely be revisited at that time based on the decision that is made for long-term recruitment.

Committee Action:

MOTION: SELECT ALTERNATIVE 4 AS PREFERRED UNDER ACTION 1.

Alternative 4. Revise the rebuilding schedule to equal the maximum time period allowed to rebuild (T_{\max}). This would equal 10 years with the rebuilding time period ending in 2027. 2018 would be Year 1.

APPROVED BY COUNCIL

Action 2. Modify the seasonal prohibition on recreational harvest and possession of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina

Alternative 1 (No Action). During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney).

Preferred Alternative 2. During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Revise the timing of these restrictions only for red grouper in the exclusive economic zone off North Carolina and South Carolina as follows:

Preferred Sub-alternative 2a. January – May (five months)

Sub-alternative 2b. February – May (four months)

Sub-alternative 2c. March – June (four months)

Sub-alternative 2d. January – June (six months)

Discussion:

- This action was moved from Vision Blueprint Regulatory Amendment 26 at the June 2018 Council meeting.
- Recreational data on red grouper are extremely limited, especially when stratified by area and month; hence, the predicted effect on landings as a result of proposed modifications to the seasonal closure for this species is highly uncertain.
- Overall, the sub-alternatives are estimated to reduce the landings of red grouper by less than 2%. Based on preliminary analysis, this equates to a change in total recreational red grouper landings of approximately 300 to 600 pounds whole weight (lbs ww) or about 40 to 80 fish (**Table 1**).
- Additionally, it is worth noting that an in-season harvest closure is predicted for recreationally caught red grouper due to reaching the revised sector ACLs implemented via Abbreviated Framework Amendment 1. The projected closure dates from Abbreviated Framework Amendment 1 are provided in **Table 2**.
- Reducing landings earlier in the season could prolong the open harvest season for the recreational sector, albeit in a relatively minor manner given the minimal projected change in total recreational landings.

Table 1. Preliminary projected change in recreational red grouper landings (number of fish) compared to the no action alternative by modifying the recreational seasonal prohibition for red grouper.

Sub-alternative	Projected Change in Landings (#s of fish)
Pref. Sub-alternative 2a (Jan-May)	-40
Sub-alternative 2b (Feb-May)	-40
Sub-alternative 2c (Mar-Jun)	-80

Table 2. Predicted South Atlantic red grouper recreational closure dates for the recreational ACLs. Predicted landings are based on the average 2014-2016 recreational landings.

	Year		
	2018	2019	2020
ACL	77,840 lbs ww	84,000 lbs ww	90,720 lbs ww
Closure Date	26-Jul	6-Aug	19-Aug

Public Comments:

- One commenter from the Florida Keys maintained that every grouper caught during the full moon in April is in spawning condition. Consider extending the closure through May.
- One commenter from Wilmington stated that shallow water groupers (and hogfish) in North Carolina spawn in the May-June timeframe. Consider adjusting spawning closure accordingly, but give fishermen an alternative, healthy fishery to pursue during that closure such as 2 gags per person. Gags rarely are found where the other shallow water groupers are in the area where he fishes.
- One commenter from Cape Hatteras expressed support for extending the closure on red grouper through May.
- One commenter from Florida said that the spawning season closure could be revised to incorporate the months of May and June, and potentially drop January and/or February.

Committee Action:

MOTION: APPROVE IPT SUGGESTED EDITS ON ACTION 2.

Action 2: Modify the seasonal prohibition on recreational harvest and possession of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina

Preferred Alternative 2. During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). ~~Off North Carolina and South Carolina, revise the timing of these restrictions only for red grouper as follows:~~ Revise the timing of these restrictions only for red grouper in the exclusive economic zone off North Carolina and South Carolina as follows:

Preferred Sub-alternative 2a. January – May (five months)

Sub-alternative 2b. February – May (four months)

Sub-alternative 2c. March – June (four months)

APPROVED BY COUNCIL

MOTION: ADD A SUB-ALTERNATIVE TO ALTERNATIVE 2 UNDER ACTION 2 THAT WOULD ADD A CLOSURE FROM JANUARY THROUGH JUNE

APPROVED BY COUNCIL

Action 3: Modify the seasonal prohibition on commercial harvest, possession, sale, and purchase of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina

Alternative 1 (No Action). During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Additionally, during January through April, no person may sell or purchase any shallow-water grouper harvested from or possessed in the South Atlantic exclusive economic zone.

Preferred Alternative 2. During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Additionally, during January through April, no person may sell or purchase any shallow-water grouper harvested from or possessed in the South Atlantic exclusive economic zone. Revise the timing of these restrictions only for red grouper in the exclusive economic zone off North Carolina and South Carolina as follows:

Preferred Sub-alternative 2a. January – May (five months).

Sub-alternative 2b. February – May (four months).

Sub-alternative 2c. March – June (four months).

Sub-alternative 2d. January – June (six months)

Discussion:

- This action was moved from Vision Blueprint Regulatory Amendment 27 at the June 2018 Council meeting.
- The analysis of the action required backfilling of landings in North Carolina and South Carolina for the Jan-Apr closed time period using landings from 2007-2009 to provide an estimate of landings during this period if the fishery was open.
- Landings in the Jan-Apr period are projected to be relatively high; however, this analytical approach does not account for the potential redistribution of peak effort to May following the implementation of the Jan-Apr closure in 2009, nor does it account for potential declines in catch rates in the May-Dec period if the fishery opened earlier in the calendar year.
- Thus, it is likely that the projected changes in landings presented in **Figure 1** and **Table 3** are an upper bound for reductions that may occur if the closure months were modified.

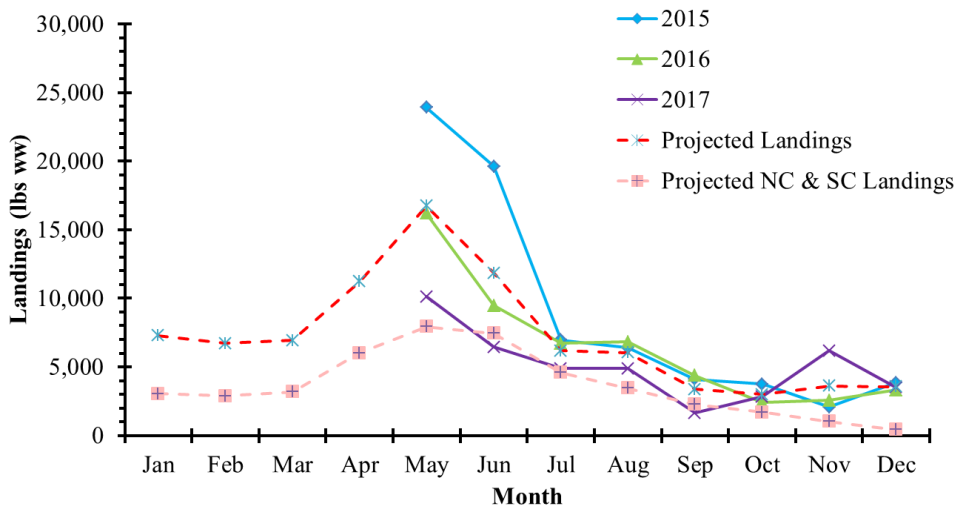


Figure 1. South Atlantic red grouper commercial landings (pounds whole weight; lbs ww) by month for 2015-2017 and projected landings for a change in the spawning season solely for red grouper. Projected January through April landings (for all states and North Carolina and South Carolina) were estimated using May landings, and the ratio was determined from historic landings from 2007-2009.

Table 3. Projected change in commercial red grouper landings (pounds whole weight; lbs ww) compared to the no action alternative by modifying the commercial seasonal prohibition for red grouper.

Sub-alternative	Projected Change in Landings (lbs ww)	Percent of Annual Landings
Pref. Sub-alternative 2a (Jan-May)	-7,935	-15%
Sub-alternative 2b (Feb-May)	-4,888	-9%
Sub-alternative 2c (Mar-Jun)	-9,347	-17%

Public Comments:

- One commenter from North Carolina thought that red grouper should be managed as a by-catch fishery until the stock rebounds. He suggests no changes to the spawning season closure and a 100-pound trip limit. Extending the spawning closure for one species could result in increased regulatory discards as fishermen target legal grouper.
- Two commenters in North Carolina stated support for the preferred and suggest a small trip limit (200 pounds) to help rebuild the fishery.
- One commenter expressed concern about conflicting regulations in the Carolinas vs. Georgia/Florida. He suggested no changes to the seasonal closure and a 100-pound bycatch limit.
- One commenter from Florida said that the spawning season closure could be revised to incorporate the months of May and June, and potentially drop January and/or February.

Committee Action:

MOTION: APPROVED SUGGESTED EDITS TO ACTION 3.

Action 3: Modify the seasonal prohibition on commercial harvest and possession and sale and purchase on commercial harvest, possession, sale, and purchase of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina

Preferred Alternative 2. During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Additionally, during January through April, no person may sell or purchase any shallow-water grouper harvested from or possessed in the South Atlantic exclusive economic zone. ~~Off North Carolina and South Carolina, revise the timing of these restrictions only for red grouper as follows:~~ Revise the timing of these restrictions only for red grouper in the exclusive economic zone off North Carolina and South Carolina as follows:

Preferred Sub-alternative 2a. January – May (five months).

Sub-alternative 2b. February – May (four months).

Sub-alternative 2c. March – June (four months).

APPROVED BY COUNCIL

MOTION: ADD A SUB-ALTERNATIVE 2D TO ENCOMPASS JANUARY THROUGH JUNE.

APPROVED BY COUNCIL

Action 4. Establish a commercial trip limit for red grouper harvested in the South Atlantic Exclusive Economic Zone

Alternative 1 (No Action). There is no commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone.

Preferred Alternative 2. Establish a commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone:

Sub-alternative 2a. 75 pounds gutted weight

Sub-alternative 2b. 100 pounds gutted weight

Sub-alternative 2c. 150 pounds gutted weight

Preferred Sub-alternative 2d. 200 pounds gutted weight

Discussion:

- The Committee provided direction to staff to include this action at the June 2018 Council meeting. The October meeting was the first time that the Committee saw the wording of this action or the analysis.
- Initially the Committee discussed a 100 gutted weight trip limit (**Sub-alternative 2b**) to encompass red grouper bycatch on commercial trips off of the Carolinas, but the Committee ended up choosing **Preferred Sub-alternative 2d** to accommodate commercial trips in the Florida Keys where red grouper seem to be more abundant.
- Between 2015 and 2017, a total of 2,447 commercial trips harvested at least one pound of red grouper, and 77% of those commercial trips landed 75 lbs or less of red grouper (**Figure 2**).
- Under **Alternative 2** and its **sub-alternatives**, the total South Atlantic commercial landings of red grouper would be reduced between 11% and 36% with a change to the spawning season closure by adding the month of May off of the EEZ in the Carolinas (Action 3 preferred Sub-alternative 2a) (**Table 4**).

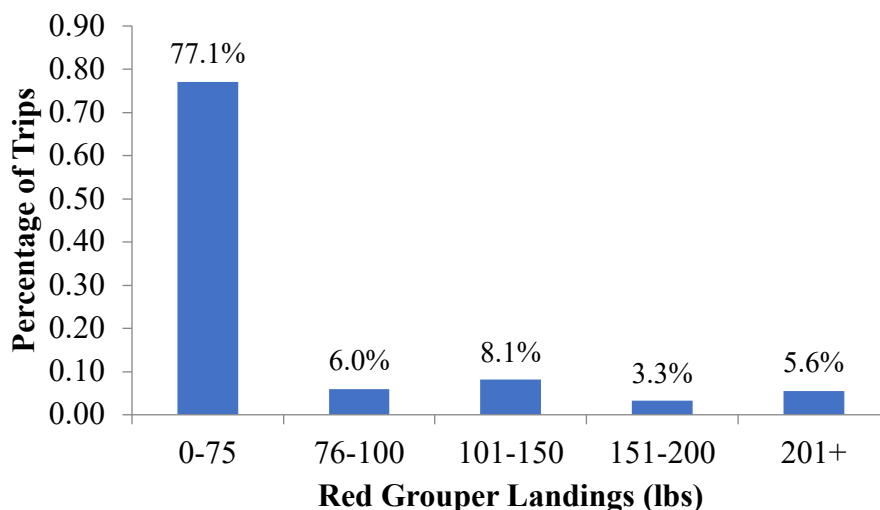


Figure 2. Distribution of South Atlantic red grouper commercial trips within each landing bin. Predicted commercial landings came from the average 2015-2017 commercial landings.

Table 4. Projected South Atlantic red grouper commercial landings for **Action 4** with the addition of May to the spawning season closure for the EEZ off of North Carolina and South Carolina (Action 3, preferred Sub-alternative 2a).

Action 4 Sub-alternatives	Predicted Landings (lbs ww)	Percent Reduction from Alternative 1 (No Action)
Alternative 1 (No Action) (Action 3 pref. Sub-alt 2a + No trip limit)	46,404	0%
Sub-Alternative 2a (Action 3 pref. Sub-alt 2a + 75 lbs gw trip limit)	29,491	36.4%
Sub-Alternative 2b (Action 3 pref. Sub-alt 2a + 100 lbs gw trip limit)	33,461	27.9%
Sub-Alternative 2c (Action 3 pref. Sub-alt 2a + 150 lbs gw trip limit)	38,341	17.4%
Preferred Sub-Alternative 2d (Action 3 pref. Sub-alt 2a + 200 lbs gw trip limit)	41,099	11.4%

Public Comments:

- One commenter from North Carolina thinks that red grouper should be managed as a by-catch fishery until the stock rebounds. He suggests no changes to the spawning season closure and a 100-pound trip limit. Extending the spawning closure for one species could result in increased regulatory discards as fishermen target legal grouper.
- Two commenters in North Carolina stated support for the preferred (in Action 3) and suggest a small trip limit (200 pounds) to help rebuild the fishery.
- One commenter expressed concern about conflicting regulations in the Carolinas vs. Georgia/Florida. He suggested no changes to the seasonal closure and a 100-pound bycatch limit.

SSC/Advisory Panel Recommendations:

The Snapper Grouper AP approved the following motion during their April 11-13, 2018 meeting:
MOTION #1: RECOMMEND THAT THE COUNCIL CONSIDER A BYCATCH COMMERCIAL TRIP LIMIT FOR RED GROUPE
 APPROVED BY AP (UNANIMOUS)

Committee Action:

MOTION: ADD ACTION 4 AND RANGE OF ALTERNATIVES.

Action 4: *Establish a commercial trip limit for red grouper harvested in the South Atlantic Exclusive Economic Zone*

Alternative 1 (No Action). There is no commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone.

Alternative 2. Establish a commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone:

Sub-alternative 2a. 75 pounds gutted weight

Sub-alternative 2b. 100 pounds gutted weight

Sub-alternative 2c. 150 pounds gutted weight

Sub-alternative 2d. 200 pounds gutted weight

APPROVED BY COUNCIL

MOTION: SELECT SUB-ALTERNATIVE 2D AS PREFERRED UNDER ACTION 4

Alternative 2. Establish a commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone:

Sub-alternative 2d. 200 pounds gutted weight

APPROVED BY COUNCIL

Committee Action:

MOTION: APPROVE ALL ACTIONS IN REGULATORY AMENDMENT 30, AS MODIFIED, TO CONSIDER FOR FINAL APPROVAL IN DECEMBER 2018

APPROVED BY COUNCIL