



MAGNUSON – STEVENS ACT/NEPA SCOPING DOCUMENT



**Amendment 34 to the Fishery Management Plan for the Snapper
Grouper Fishery of the South Atlantic Region, Amendment 9 to the
Fishery Management Plan for the Golden Crab of the South Atlantic
Region, and Amendment 8 to the Fishery Management Plan for the
Dolphin Wahoo Fishery of the Atlantic**

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With the reauthorization of the Magnuson Stevens Act in 2007 (NMFS 2007), the South Atlantic Fishery Management Council (SAFMC) was required to develop accountability measures for all of the species it manages that have annual catch limits. Recent plan amendments modified the criteria by which accountability measures would be implemented for a number of species (GMFMC/SAFMC 2011; SAFMC 2013). The SAFMC is now considering modifying the accountability measure triggering criteria for snapper grouper species and golden crab. Adjusting the accountability measure criteria in this amendment will help to bring consistency across species managed by the SAFMC.

The SAFMC’s Dolphin Wahoo Advisory Panel requested the SAFMC reconsider how it allocates dolphin between the recreational and commercial sectors. This action was originally considered in Dolphin Wahoo Amendment 5 (SAFMC 2013), but the SAFMC removed it for reconsideration at a later date. This action has been out for scoping before (January 2013), but as it is now being addressed in this amendment, the SAFMC would like to hear if there are any other suggestions for how the dolphin fishery ought to be allocated between the two sectors.

This document outlines the background information and reason for action, the proposed changes to regulations, and how to submit comment and by when. Please note that the document outlines a wide range of changes; no decisions have been made, and your input is important. Scoping meetings are less formal than public hearings and occur prior to the Council taking any position on a management issue. When the Council is considering the need for management, scoping meetings provide an opportunity for members of the public to make suggestions BEFORE the Council has made any decisions.

The Council is considering the following actions in these Amendments:

- Define the stock status criteria required for implementing accountability measures for snapper grouper species and golden crab
- Allocation of dolphin between recreational and commercial sectors

NEED FOR ACTION

The intent of Snapper Grouper Amendment 34, Golden Crab Amendment 9, and Dolphin Wahoo Amendment 8 is to base conservation and management measures upon the best scientific information available, and to prevent unnecessary negative socio-economic impacts that may otherwise be realized in these fisheries and fishing communities, in accordance with the provisions set forth in the Magnuson-Stevens Act.

POSSIBLE ACTIONS

Action 1. Revise accountability measures (AMs).

Alternative 1 (No Action).

Black grouper, mutton snapper, yellowtail snapper, unassessed snapper grouper species

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the commercial ACL, the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the South Atlantic exclusive economic zone (EEZ) is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. If commercial landings exceed the ACL, and scamp are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the Assistant Administrator 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 following year by the amount of the overage in the prior fishing year.

Recreational: 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 and, if necessary, the Assistant Administrator 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 Regional Administrator determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

Black sea bass

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the quota specified in § 622.190(a)(5), the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. If commercial landings exceed the quota specified in § 622.190(a)(5), the Assistant Administrator 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 following year by the amount of the overage in the prior fishing year.

Recreational: If recreational landings for black sea bass, as estimated by the Science and Research Director, are projected to reach the recreational ACL, then the Assistant Administrator will file a notification with the Office of the Federal Register to

close the recreational sector for the remainder of the fishing year. If the annual landings exceed the ACL in a given year, the landings would be monitored in-season the following year for a persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the fishing season as necessary. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the ACL in the following season by the amount of the overage if the species is overfished.

New recreational accountability proposed in Regulatory Amendment 14 and approved by South Atlantic Council: *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. On and after the effective date of the recreational closure notification, the bag and possession limit for black sea bass in or from the South Atlantic EEZ is zero. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, i.e. in state or Federal waters.*

Greater amberjack and Red porgy

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the ACL, the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. If commercial landings exceed the ACL, and greater amberjack are overfished, the Assistant Administrator 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 following year by the amount of the overage in the prior fishing year.

Recreational: 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 and, if necessary, the Assistant Administrator 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 Regional Administrator determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

Gag

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the quota specified in § 622.190(a)(7), the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for gag for the remainder of the fishing year.

Recreational: If recreational landings, as estimated by the Science and Research Director, reach or are projected to reach the recreational ACL, and gag are overfished, the Assistant Administrator will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. Without regard to overfished status, if recreational landings exceed the ACL, the Assistant Administrator 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. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of three most recent years of landings.

Golden tilefish

Commercial:

(i) Hook-and-line component. If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(2)(ii), the Assistant Administrator will file a notification with the Office of the Federal Register to close the hook-and-line component of the commercial sector for the remainder of the fishing year.

(ii) Longline component. If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(2)(iii), the Assistant Administrator will file a notification with the Office of the Federal Register to close the longline component of the commercial sector for the remainder of the fishing year. After the commercial ACL for the longline component is reached or projected to be reached, golden tilefish may not be fished for or possessed by a vessel with a golden tilefish longline endorsement.

Recreational: If recreational landings for golden tilefish, as estimated by the Science and Research Director, reach or are projected to reach the recreational ACL of 3,019 fish, the Assistant Administrator 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 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 and, if necessary, the Assistant Administrator 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.

Red Grouper

Commercial: If commercial landings for red grouper, as estimated by the Science and Research Director, reach or are projected to reach the applicable ACL in paragraph (d)(1)(iii) of this section, the Assistant Administrator will file a notification with the

Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red grouper is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters. If commercial landings exceed the ACL, the Assistant Administrator 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 following year by the amount of the overage in the prior fishing year.

Recreational: If recreational landings for red grouper, as estimated by the Science and Research Director, are projected to reach the applicable ACL in paragraph (d)(2)(iii) of this section, the Assistant Administrator will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit is zero. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, i.e. in state or Federal waters. If recreational landings for red grouper, as estimated by the Science and Research Director, exceed the applicable ACL, the Assistant Administrator will file a notification with the Office of the Federal Register, to reduce the recreational ACL the following fishing year by the amount of the overage in the prior fishing.

Red snapper

Commercial: In-season closure.

Recreational: In-season closure.

Snowy grouper

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the quota specified in § 622.190(a)(1), the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for snowy grouper for the remainder of the fishing year.

Recreational: If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL of 523 fish, the Assistant Administrator 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. When NMFS reduces the length of the following recreational fishing season, the following closure provisions apply: the bag and possession limit for snowy grouper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper

has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

Vermilion snapper

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the applicable commercial ACL (commercial quota) specified in § 622.190(a)(4)(i) or (ii), the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for that portion of the fishing year applicable to the respective quota.

Recreational: If recreational landings, as estimated by the Science and Research Director, reach or are projected to reach the applicable recreational ACL specified in paragraph (f)(2)(iv) of this section and vermilion snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the Assistant Administrator will file a notification with the Office of the Federal Register to close the recreational sector for vermilion snapper for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit of vermilion snapper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. Without regard to overfished status, if vermilion snapper recreational landings exceed the applicable recreational ACL, the Assistant Administrator 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. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

New recreational accountability proposed in Regulatory Amendment 14 and approved by South Atlantic Council: *If recreational landings, as estimated by the Science and Research Director, reach or are projected to reach the applicable recreational ACL specified in paragraph (f)(2)(iv) of this section the Assistant Administrator will file a notification with the Office of the Federal Register to close the recreational sector for vermilion snapper for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit for vermilion snapper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters. If the combined vermilion snapper commercial and recreational landings exceed the combined vermilion snapper ACLs specified in paragraphs (f)(1) and (f)(2)(iv) of this section, and vermilion snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the Assistant Administrator will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to*

reduce the recreational ACL for that following year by the amount of the recreational overage in the prior fishing year.

Wreckfish

Commercial: The individual transferable quota program for wreckfish in the South Atlantic serves as the accountability measures for commercial wreckfish. The commercial ACL for wreckfish is equal to the commercial quota specified in § 622.190(b).

Recreational: If recreational landings for wreckfish, as estimated by the Science and Research Director, exceed the recreational ACL of 11,750 lb (5,330 kg), round weight, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the Assistant Administrator 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 Regional Administrator determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

Golden crab

Commercial: If commercial landings for golden crab, as estimated by the Science and Research Director, reach or are projected to reach the ACL of 2 million lb (907,185 kg), round weight, the Assistant Administrator will file a notification with the Office of the Federal Register to close the golden crab fishery for the remainder of the fishing year. On and after the effective date of such a notification, all harvest, possession, sale or purchase of golden crab in or from the South Atlantic EEZ is prohibited. If commercial landings exceed the ACL, and golden crab are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the Assistant Administrator 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 following year by the amount of the overage in the prior fishing year.

Recreational: There is no recreational component to the golden crab fishery.

Alternative 2. If commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial ACL, the Regional Administrator shall publish a notice to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper, dolphin wahoo, or golden crab has been issued as appropriate, without regard to where such species were harvested, *i.e.*, in state or Federal waters. Additionally,

Sub-alternative 2a. If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished.

Sub-alternative 2b. If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the total ACL (commercial ACL and recreational ACL) is exceeded.

Sub-alternative 2c. If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

Alternative 3. 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.

Sub-alternative 3a. 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 is overfished. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Sub-alternative 3b. 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 total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Sub-alternative 3c. 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 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 Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Action 2. Revise the sector allocations for dolphin.

Alternative 1. No Action. The recreational sector allocation for dolphin is 92.46%. The commercial sector allocation for dolphin is 7.54%. The sector allocations for dolphin were set in the Comprehensive ACL Amendment (SAFMC 2011) and updated in Dolphin Wahoo Amendment 5 (SAFMC 2013) using the sector allocation rule where 50% of sector allocations are based on a longer term landings series (1999 – 2008) and 50% of the sector allocations are based on a shorter time series (2006-2008).

Alternative 2. Establish the sector allocations for dolphin that were in place prior to the Comprehensive ACL Amendment making the “soft cap” allocations the sector allocations. The recreational sector allocation for dolphin is 87%, and commercial sector allocation is 13%.

Alternative 3. Set the commercial allocation at its highest percentage of the total catch over the past 5 years (2008-2012). The recreational sector allocation for dolphin is 86%, and commercial sector allocation is 14%.

Alternative 4. Set the commercial allocation at the average of the percentages of the total catch over the past 5 years (2008-2012). The recreational sector allocation for dolphin is 90%, and commercial sector allocation is 10%.

Alternative 5. Modify the time series by which allocations were specified for the two sectors.

Allocation by sector = (0.5 * catch history) + (0.5 * current trend)

Sub-alternative 2a. Catch history = average landings 1986-2011, current trend = average landings 2009-2011). 2011 is the last year before ACLs went into place.

Sub-alternative 2b. Catch history = average landings 1986-2012, current trend = average landings 2010-2012). 2012 is the most recent year of complete landings availability.

Sub-alternative 2c. Catch history = average landings 1986-2012, current trend = average landings 2006-2012). 2012 is the most recent year of complete landings availability.

What Next?

A scoping webinar for this Amendment will be held at 6:00 p.m. on Monday, February 3, 2014. To register, please visit the Council's website at www.safmc.net. A video presentation will also be made available on the Council's website prior to the webinar.

Written comments must be received by 5 P.M. on February 14, 2014. All comments will be considered by the Council in drafting the Generic Accountability Measure and Dolphin Allocation Amendment; a list of the Council members can be found in **Appendix A**. There will be a number of opportunities to provide public input if the Council moves forward to develop an amendment. A simplified schematic of the Council process is presented in **Appendix B**.

At their March 2014 meeting, the Council will review scoping comments and decide which actions to include in the amendment. A draft document will be written between March and June 2014. At their June 2014 meeting the Council will vote to take the amendment out to public hearings in August 2014.

References

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http://www.nmfs.noaa.gov/sfa/magact/MSA_Amended_2007%20.pdf

GMFMC/SAFMC (Gulf of Mexico Fishery Management Council/ South Atlantic Fishery Management Council). 2011. Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, Florida 33607. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. Available online at: www.safmc.net

SAFMC (South Atlantic Fishery Management Council). 2011. Comprehensive Annual Catch Limit (ACL) Amendment for the South Atlantic Region. South Atlantic Fishery Management Council, 4055 Faber Place, Ste 201, North Charleston, S.C. 29405.

SAFMC (South Atlantic Fishery Management Council). 2013. Amendment 5 to the Fishery Management Plan for the Dolphin and Wahoo Fishery for the Atlantic. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. Available online at: www.safmc.net

Appendix A. South Atlantic Fishery Management Council 2013-2014 Membership

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Appendix B. A Simplified Schematic of the Council Process.

