

Recreational Accountability Measure Modifications

Snapper Grouper Fishery of the South Atlantic,
Regulatory Amendment 31
Dolphin Wahoo Fishery of the Atlantic,
Regulatory Amendment 2

SEP Document
April 2019

Background

The South Atlantic Fishery Management Council (Council) is proposing modifications to recreational (rec) accountability measures (AMs) so they would be consistent across species as much as practicable in order to simplify them and avoid unintended negative social and economic effects. At the June 2018 meeting, the Council decided to include only species in the Snapper Grouper and Dolphin Wahoo fishery management plans (FMP). Coastal Migratory Pelagics (CMP) species were not included for several reasons: 1) the recreational sector does not typically meet its recreational ACL; and 2) AMs currently are managed differently for these species. In the last year the Council has taken this amendment out for scoping and worked on revising/refining the actions and alternatives. The Council seeks input from the SEP/SSC on the social and economic efficacy of these actions and whether there are other related issues the Council ought to consider. The MSA requires that all managed species have AMs.

Actions in this amendment

Actions for Snapper Grouper FMP species

- **Action 1.** Revise in-season closure, recreational accountability measures
- **Action 2.** Revise post-season, recreational accountability measures
- **Action 3.** Announce starting and ending dates before a season starts

Actions for Dolphin and Wahoo

- **Action 4.** Revise post-season, recreational accountability measures
- **Action 5.** Announce starting and ending dates before a season starts

Expected amendment timing

✓June 2018	Council reviewed draft actions/alternatives and decided that the amendment will apply only to the snapper grouper and dolphin wahoo FMPs
✓December 2018	Decide which AM types of actions the Council wants considered in the amendment. Possibly decide to send out for scoping.
✓January 2019	Scoping
✓March 2019	Council reviews scoping comments. Modify actions/alternatives, as needed
April 2019	Review of the document by the SEP/SSC, SG AP, and LE AP.
June 2019	Council reviews draft document, chooses preferred alternatives/sub-alternatives, and votes to send out for public hearings
Summer 2019	Public hearings
Fall 2019	Review of the document by the DW AP.
September 2019	Council reviews public comments, modify document as necessary
December 2019/ March 2020	Council votes to send document to the U.S. Secretary of Commerce for formal review

Purpose and need statement

Purpose for Actions

Revise accountability measures for the recreational sector for species in the Snapper Grouper and Dolphin Wahoo Fishery Management Plans to address uncertainty in the estimates of recreational catch and increase standardization of accountability measures across species, as well as improve predictability and stability of fishing seasons.

Need for Actions

Maintain optimum yield in recreational fisheries while limiting discard losses and promoting social and economic benefits to recreational anglers.

Questions for the SEP:

- Is the Purpose and Need statement fully inclusive of all of the concepts the Council needs to consider when modifying recreational accountability measures?
 - Are there other social or justice issues that should be considered?

- Are there other economic issues that should be considered?

Actions and alternatives

Actions Specific to the Snapper Grouper FMP

Action 1. Revise in-season closure, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the existing in-season closure accountability measures for the recreational sector for snapper grouper species. For 44 total species (17 individual species and 6 complexes), there is an in-season closure accountability measure that would close the harvest of a species (or a species complex where one exists) when the recreational landings of that species (or species complex), reaches, or is projected to reach, the species (or species complex) recreational annual catch limit unless the National Marine Fisheries Service determines no closure is necessary based on the Best Scientific Information Available. The following species currently do not have this in-season closure accountability measure for the recreational sector: black sea bass, red snapper, speckled hind, and warsaw grouper.

Alternative 2. Remove the existing in-season closure accountability measures for the recreational sector for the following snapper grouper species.

Sub-alternative 2a: All snapper grouper species.

Sub-alternative 2b: All snapper grouper species except those stocks listed as overfished based on the most recent Status of U.S. Fisheries Report to Congress.

Scoping Comments:

- Both commenters were in favor of the Council removing in season closures for all species for the recreational sector because of inefficiency of such closures due to the inability to act quickly enough based on MRIP landings and because of the disruptions such closures would cause for:
 - the for-hire sector in terms of booking trips
 - individual anglers who don't check regulations every time they go out to fish.
- One commenter stated that AMs modifications should take into account the reliability of MRIP catch estimates.
- One commenter directly addressed the issue of consistency for AMs across species to make it as easy as possible

Questions for the SEP:

- Scoping comments received pointed out that in season closures cause disruptions in the for-hire sector. Anglers sometimes book trips with the idea of being able to target specific species. Another issue is that in season closures are confusing and anglers would like some consistency across species/species groupings.

- Are there other social/economic considerations the Council should consider either by retaining or removing in season closures?

Action 2. Revise post season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the existing post season accountability measures for the recreational sector for snapper grouper species.

-For 36 total species (15 individual, 5 complexes), if overfished and total annual catch limit is exceeded, to monitor recreational landings for a persistence in increased landings, and if necessary, the AA will reduce the length of the recreational fishing season and the recreational annual catch limit by the amount of the overage.

-For the Deepwater Complex and blueline tilefish, if overfished and the total annual catch limit is exceeded, the AA will reduce the length of the recreational fishing season in the following fishing year to ensure recreational landings do not exceed the recreational annual catch limit the following fishing year.

- For vermilion snapper, if overfished and the total annual catch limit is exceeded, the AA will reduce the recreational annual catch limit for that following year by the amount of the recreational overage in the prior fishing year.

Alternative 2. Remove the existing post season accountability measures for the recreational sector that reduces the length of fishing season and the recreational annual catch limit in the following fishing year by the amount of the recreational overage if is overfished and the total annual catch limit is exceeded.

Alternative 3. Replace the existing trigger for the post season accountability measure for the recreational sector. Only specify post season accountability measures if:

Sub-alternative 3a. For those species where recreational annual catch limits stay the same from year to year, and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Sub-alternative 3b. For those species where recreational annual catch limits stay the same from year to year, and the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Sub-alternative 3c. For those species where recreational annual catch limits are constant, and recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Sub-alternative 3d. The total (commercial and recreational combined) annual catch limit is exceeded.

Sub-alternative 3e. The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress. For a species complex, at least one of the species in the complex is overfished based on the most recent status of U.S. Fisheries Report to Congress.

Alternative 4. Replace the existing action taken following a trigger for the post season accountability measure for the recreational sector. If a post season accountability measure is triggered, monitor for a persistence in increased landings, and:

Sub-alternative 4a. Reduce the recreational sector annual catch limit in the following fishing year by the amount of the overage to the recreational annual catch limit.

Sub-alternative 4b. Reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational annual catch limit in the following fishing year.

Alternative 5. If the post-season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season.

Sub-alternative 5a. Applies to all snapper grouper species regardless of most recent certified annual PSE.

Sub-alternative 5b. Applies only to those snapper grouper species whose most recent certified annual PSE is greater than 40%.

Sub-alternative 5c. Applies only to those snapper grouper species whose most recent certified annual PSE is greater than 60%.

Sub-alternative 5d. Applies only to those snapper grouper species whose most recent certified annual PSE is greater than 80%.

Alternative 6. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to reduce the probability of an overage that the ACL will not be exceeded in the following year.

Sub-alternative 6a. Applies to all snapper grouper species regardless of most recent certified annual PSE.

Sub-alternative 6b. Applies only to those snapper grouper species whose most recent certified annual PSE is greater than 40%.

Sub-alternative 6c. Applies only to those snapper grouper species whose most recent certified annual PSE is greater than 60%.

Sub-alternative 6d. Applies only to those snapper grouper species whose most recent certified annual PSE is greater than 80%.

Discussion:

If the Council selects **Alternative 2** for **Action 2** as a preferred alternative, then **Alternative 2** (and either of its sub-alternatives) of for **Action 1**, may not be selected as a preferred alternative due to the MSA requirement that all managed species have AMs.

The following are examples of how **Alternative 3** sub-alternatives could be applied. **Sub-alternative 3a** – Atlantic Spadefish had a recreational ACL of 154,252 lbs ww in 2014. 2014 landings were estimated at 702,011 lbs ww, equaling 454.8% of the ACL being caught. In 2015 and 2016 the recreational ACL increased to 661,926 lbs ww. In 2105, 225, 861 lbs ww and in 2016, 27,591 lbs ww were estimated to have been caught, both years well below the recreational ACL. The geometric mean for those three years of landings was 163,550 lbs ww. The average ACL over those three years was 492,735 lbs ww.

Sub-alternative 3b – The summed ACL for Atlantic spadefish for 2014 – 2016 was 1,478,204 lbs ww. The sum of the estimated landings was 955, 463 lbs ww. In this case, there would be no post season in spite of the fact that 2014 landed 454.8% of that year's ACL.

Sub-alternative 3c – Since Atlantic spadefish only exceeded its ACL in 2014 and not in 2015 or 2016, there would not be any post-season AMs.

Sub-alternative 3d – Estimated commercial landings of blueline tilefish in 2017 did not exceed their sector ACL (86,877 lbs ww landed of ACL = 87,521 lbs ww). However, recreational landings were estimated at 256,575 lbs ww with an ACL = 87,277 lbs ww. In this case, the recreational sector would have post-season AMs applied because they exceeded their sector ACL and the total ACL for blueline tilefish (174,798 lbs) was exceeded.

On the other hand, the commercial sector did not exceed its 2015 ACL (36,348 lbs ww) for the porgies complex when 23,203 lbs ww were landed. In 2015 the recreational sector did exceed its ACL of 106,914 lbs ww by landing 111,577. But because the combined landings of both sectors (134,780 lbs ww) was less than the total ACL (143,262 lbs ww), no AMs would be applied to the recreational sector.

Sub-alternative 3e – The following SAFMC-managed stocks are on the December 2017 NMFS quarterly report as being overfished:

- Hogfish – Florida East Coast
- Red snapper
- Red porgy
- Snowy grouper
- Red grouper

Alternative 4 and its sub-alternatives are fairly straightforward. **Sub-alternative 4a** would reduce the recreational ACL by the amount of the recreational overage in the following season. **Sub-alternative 4b** would reduce the length of the following season to insure the recreational ACL will not be exceeded.

Alternatives 5 and **6** could result in no seasons for some species. Whenever 200% or more, of the ACL is caught as happened in 2017 with blueline tilefish as recreational landings were estimated at 256,575 lbs ww with an ACL = 87,277 lbs ww, theoretically there would be no fishing allowed for at least the following season. Since the overage was nearly 3 times the recreational sector ACL, it is possible that the recreational season for blueline tilefish could be closed for two years to make up for the overage. If landings in a given year are over the recreational ACL, but less than 200% of the ACL, **Alternative 5** would reduce the ACL, but not shorten the season. If there are no in season AMs that could stop fishing, reducing the ACL in the following by the amount of the overage could only exacerbate ACL overages by increasing the likelihood that the new, lower ACL was met. For example, in 2017 anglers landed 447,019 lbs ww of gray triggerfish when the recreational ACL was 404,675 lbs ww causing an overage of 42,344 lbs ww. If the recreational ACL was reduced by the amount of the overage in the next season to 362,331 lbs ww, there is an increased likelihood that the amount of the overage in the subsequent year would be higher if there wasn't an in-season closure. **Alternative 6** would reduce the likelihood of going over the recreational ACL by reducing the season based on the actual catch rate that would end the season early enough to reduce the probability of an overage.

Based on uncertified PSEs for 2017, the species affected by **Alternatives 5** and **6**, sub-alternatives would be as follows:

Snapper grouper species with a PSE < 40% - (Only affected by **sub-alternatives 5a and 6a**)

TOMTATE	37.1%
ATLANTIC SPADEFISH	35.7%
WHITE GRUNT	33.9%
WHITEBONE PORGY	33.4%
MUTTON SNAPPER	32.0%
GRAY SNAPPER	24.4%
LANE SNAPPER	24.4%
YELLOWTAIL SNAPPER	23.0%
BLACK SEA BASS	19.9%
VERMILION SNAPPER	19.1%
GRAY TRIGGERFISH	18.2%

Snapper grouper species with a PSE > 40% and < 60% - (species affected by **sub-alternatives 5a, b and 6a, b**)

JOLTHEAD PORGY	49.5%
GAG	48.3%
SNOWY GROUPE	47.2%
BLACK GROUPE	46.1%
SAILORS CHOICE	45.1%
RED GROUPE	43.6%
GREATER AMBERJACK	41.9%
ALMACO JACK	41.5%
HOGFISH	40.3%
GOLDEN TILEFISH	58.6%
BANDED RUDDERFISH	54.3%
GRAYSBY	52.8%
RED PORGY	50.6%

Snapper grouper species with a PSE > 60% and < 80% - (species affected by **sub-alternatives 5a-c and 6a-c**)

BLUELINE TILEFISH	61.0%
SAND TILEFISH	60.6%
CUBERA SNAPPER	72.6%
SILK SNAPPER	71.1%
RED SNAPPER	71.1%

All other managed species have recreational PSEs > 80% and would be affected by **sub-alternatives 5a-d and 6a-d**.

Scoping Comments:

- One commenter recommended phasing in modifications to the AMs over a couple of years to temper their impact.
- Additionally, because of the nature of recreational landings, multi-year landings need to be taken into account before adjusting AMs, particularly for those species whose lifecycles seem to be cyclical across years.

Questions for the SEP:

- The Council will need to choose at least one accountability measure from **Action 1** or **Action 2**, as per MSA requirements. From a socioeconomic perspective, which type of AM, a possible in season closure versus a modification to allowable fishing behavior in the following season, would best meet the purpose and need for the amendment?
- One of the stated purposes of the amendment is to provide stability across seasons. If any of the **Alternative 5** or **6** sub-alternatives are chosen, whether or not a species is affected could fluctuate from year to year due to changes in its PSE from one year to the next. While this does not happen frequently for most species, the potential is there. Others argue that catch level estimates are more reliable for those species that have a lower PSE and that modifications to ACLs or allowable fishing behavior should be restricted only to those species whose MRIP catch estimates are less reliable.
 - What recommendation does the SEP have for the Council when it comes to taking into account catch estimate reliability when determining whether an AM ought to be implemented?
- Are there other alternatives or sub-alternatives that the Council ought to consider implementing as post season AMs that would better take into account social and economic considerations?

Action 3. Announce starting and ending dates before a season starts

Action Alternatives:

Alternative 1 (No Action). For black sea bass and red snapper, the National Marine Fisheries Service annually announces the recreational fishing season start and end dates in the *Federal Register* and by other methods, as deemed appropriate. The fishing season will start at the beginning of the fishing year and end on the date NMFS projects the recreational annual catch limit will be met.

Alternative 2. The National Marine Fisheries Service 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 at the beginning of the fishing year and end on the date NMFS projects the recreational ACL will be met.

Sub-alternative 2a. Applies to all snapper grouper species

Sub-alternative 2b. Applies only to those snapper grouper species that exceeded its ACL at least one time in the past three years

Discussion:

Under **Alternative 1 (No Action)**, NMFS releases a fishery bulletin prior to the start of the fishing year. If black sea bass is projected to have landings lower than its ACL, the bulletin states that the fishing year will be the entire year. If it is expected that recreational black sea bass landings would reach the recreational ACL prior to the end of the fishing year, NMFS would calculate based on catch rates when the ACL would be projected to be met and announce in the fishery bulletin that date as the closure date. Under **Alternative 2**, NMFS would follow the same procedure for the additional species that would be covered by this action with **sub-alternative 2a** applying to all snapper grouper species and **sub-alternative 2b** applying only to those species that have exceeded its sector ACL in at least one of the past three years.

Scoping Comments:

- Both commenters support setting fixed opening and closing dates for all species at the time the season opens.

Questions for the SEP:

- Should the Council consider **Alternative 2** and either of the sub-alternatives as their preferred course of action, are there other sub-alternatives the Council ought to consider?
- What are the economic and social benefits or costs associated with either of the alternatives?

Actions Specific to the Dolphin Wahoo FMP

There is no analogous action for dolphin and wahoo to **Action 1** for the snapper grouper fishery because neither dolphin, nor wahoo currently have in season closures. Until now, the recreational sector has not exceeded its ACL for either species.

Action 4. Revise post season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the current post season accountability measures for the recreational sector for dolphin and wahoo.

Alternative 2. Do not specify post season accountability measures.

Alternative 3. Only specify post season accountability measures if:

Sub-alternative 3a. The recreational ACLs are constant and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Sub-alternative 3b. The recreational ACLs are constant and the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Sub-alternative 3c. The recreational ACLs are constant and recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total ABC in any one year.

Sub-alternative 3d. The total (commercial and recreational combined) annual catch limit is exceeded.

Sub-alternative 3e. The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress.

Alternative 4. If the post-season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season.

Alternative 5. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to reduce the probability that the ACL will be exceeded in the following year.

Discussion:

This action is analogous to **Action 2** for snapper grouper species. Neither dolphin nor wahoo have exceeded their recreational sector ACLs. The recreational sector ACL in 2016 for dolphin was 13,810,361 lbs ww. In 2014 and 2015, the recreational sector ACL for dolphin was 14,187,845 lbs ww. The highest recreational dolphin landings in the time series was 7,586,553 lbs ww. The recreational sector ACL for wahoo for 2014 – 2016 was 1,724,418 lbs ww. The highest landings were in 2016 at 1,570,951 lbs ww. However, wahoo landings tend to show a lot of variability from year to year. In 2014, only 656,871 lbs ww were reported as landed. Any of the sub-alternatives under **Alternative 3** are likely to result in AMs being triggered for either of these species. Under **Alternatives 4** and **5** there are no sub-alternatives taking into account PSEs for the MRIP catch estimates. Both species typically have very low PSEs. In 2017 MRIP landings, the estimate annual PSE for dolphin was 18% and was 23.7% for wahoo.

Scoping Comments:

- See scoping comments under **Action 2**.

Question for the SEP:

- Are there other alternatives or sub-alternatives that the Council ought to take into account for implementing as post season AMs that would better take into account social and economic considerations?

Action 5. Announce starting and ending dates before a season starts

Action Alternatives:

Alternative 1 (No Action). The fishing year for dolphin and wahoo are the same as the calendar year. There are no in-season closures for the recreational sector for dolphin and wahoo.

Alternative 2. 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 at the beginning of the fishing year and end on the date NMFS projects the recreational ACL will be met.

Discussion:

Under **Alternative 2**, NMFS would follow the same procedure currently in use for black sea bass (described under **Action 3**) for dolphin and wahoo. Since the recreational ACLs for these species have not been met in the past, it is unlikely that the length fishing year announced in a fishery bulletin for either would be anything other than the calendar year.

Scoping Comments:

- See scoping comments under **Action 3**.

Questions for the SEP:

- What are the economic and social benefits or costs associated with either of the alternatives?
- In the past, the recreational sector has not exceeded its ACL for either dolphin or wahoo. However, recently revised MRIP catch estimates indicate that this could be a possibility in the future. Even though this hasn't occurred in the past, should the Council implement measures in the event it could happen in the future?