Amendment 44 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Amendment 44 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper Amendment 44) addresses sector allocations in the yellowtail snapper fishery.

Discussion Document for the Snapper Grouper Advisory Panel Review

October 11th, 2016

Overview

In 2015, the commercial yellowtail snapper fishery in the South Atlantic Region was projected to meet its sector annual catch limit (ACL) and was faced with an early season closure. The commercial yellowtail snapper fishery closed on October 31, 2015 while the recreational sector remained open and harvested approximately 65% of the recreational ACL. As a result, approximately 500,000 pounds of the recreational ACL for yellowtail snapper went unharvested. In response to the commercial closure in the face of uncaught total ACL, the Council is considering options to temporarily or permanently reallocate a portion of the ACL. This action is intended to prevent or delay future closures in the commercial fishery for yellowtail snapper.

At the June 2016 meeting, the Council gave staff direction to begin the development of Snapper Grouper Amendment 44 as well as Dolphin Wahoo Amendment 10 to examine potential reallocation actions. The actions were taken out for scoping via webinar in August of 2016. At the September 2016 meeting, the Council discussed comments received during scoping and further modified the alternatives. The Purpose and Need as it is currently worded as well as the actions and alternatives are presented here as a suggesting starting point for discussion. Additionally, background information on landings by sector, year, and month is included in this document.

Discussion

Commercial and recreational yellowtail snapper landings by month for the years of 2006 through 2015 can be seen in Table 1. The current allocation of the total ACL for yellowtail snapper is 52.56% commercial (1,596,510 lbs ww) and 47.44% recreational (1,440,990 lbs ww). In most years, the recreational sector has not landed its sector ACL for yellowtail snapper in the South Atlantic, with several hundred thousand pounds remaining unharvested (Table 2). While the unharvested ACL does presumably contribute to the well-being of the yellowtail snapper stock and the associated benefits of abundance for both sectors, the commercial sector has come close to landing its ACL in some recent years and was closed early in 2015 due to projected landings indicating that the commercial ACL would be exceeded. In response to the commercial closure, the Council is considering options that would allow some of the uncaught total ACL to be made available to the commercial sector if necessary to prolong the commercial season or prevent a closure. While the immediate intention is to provide access to additional ACL for the commercial sector, all of the alternatives other than **Alternative 1 (No Action)** and **Alternative 3** are purposely written to provide access to uncaught total ACL for either sector when needed.

Table 7. Yellowtail snapper landings by month/year for the commercial and recreational sectors, 2006-2015.

		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		Average 2006 - 2015	
Month	Sector	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%	Lbs ww	%
January	Commercial	58,660	80%	49,025	46%	53,701	49%	49,594	52%	46,429	68%	51,019	73%	79,114	70%	66,160	43%	42,750	36%	72,282	58%	56,873	55%
	Recreational	14,293	20%	58,555	54%	55,625	51%	46,257	48%	21,491	32%	18,580	27%	33,829	30%	86,017	57%	77,010	64%	52,203	42%	46,386	45%
February	Commercial	49,315	32%	41,135	31%	66,208	59%	35,819	31%	45,668	71%	48,897	36%	115,890	83%	100,077	75%	88,872	33%	53,550	61%	64,543	48%
	Recreational	103,610	68%	91,813	69%	45,071	41%	79,813	69%	18,229	29%	86,011	64%	24,398	17%	32,894	25%	176,889	67%	33,571	39%	69,230	52%
March	Commercial	76,143	49%	22,910	34%	62,711	56%	70,980	80%	63,469	71%	100,788	69%	143,277	57%	88,244	57%	98,636	72%	142,223	59%	86,938	60%
	Recreational	77,923	51%	44,033	66%	50,127	44%	17,387	20%	25,799	29%	44,559	31%	108,423	43%	65,741	43%	38,227	28%	97,503	41%	56,972	40%
April	Commercial	93,932	61%	55,730	54%	123,854	43%	113,124	70%	112,671	74%	142,416	83%	144,119	81%	147,505	65%	136,111	64%	175,786	63%	124,525	65%
	Recreational	59,491	39%	46,855	46%	167,090	57%	48,049	30%	39,035	26%	29,201	17%	34,536	19%	77,936	35%	75,596	36%	102,972	37%	68,076	35%
May	Commercial	93,218	69%	66,361	35%	98,918	65%	133,268	76%	200,611	74%	142,906	85%	195,404	64%	199,457	64%	175,225	51%	149,330	51%	145,470	62%
	Recreational	41,561	31%	122,766	65%	52,578	35%	41,952	24%	71,995	26%	24,754	15%	110,962	36%	111,666	36%	169,018	49%	145,285	49%	89,254	38%
June	Commercial	74,206	58%	115,556	42%	121,346	46%	133,169	73%	183,711	57%	111,853	78%	140,350	79%	174,877	49%	172,977	55%	170,729	69%	139,877	58%
	Recreational	52,686	42%	158,962	58%	142,809	54%	48,496	27%	137,379	43%	32,007	22%	36,678	21%	180,303	51%	143,114	45%	75,126	31%	100,756	42%
July	Commercial	42,118	53%	54,585	17%	102,815	22%	107,665	73%	97,021	52%	91,754	72%	149,331	73%	123,552	46%	103,646	44%	116,804	71%	98,929	45%
	Recreational	36,956	47%	262,611	83%	370,100	78%	39,796	27%	91,260	48%	36,356	28%	56,365	27%	144,987	54%	132,357	56%	48,019	29%	121,881	55%
August	Commercial	44,266	49%	40,868	44%	68,535	52%	100,407	79%	140,530	79%	84,204	68%	97,872	84%	108,309	66%	69,450	42%	83,162	65%	83,760	63%
	Recreational	46,108	51%	51,785	56%	63,741	48%	27,347	21%	38,179	21%	39,757	32%	17,955	16%	56,338	34%	96,507	58%	44,158	35%	48,188	37%
September	Commercial	54,825	58%	45,469	27%	74,581	61%	99,615	86%	70,507	60%	101,293	67%	120,555	77%	123,531	80%	70,608	71%	105,248	70%	86,623	65%
	Recreational	40,214	42%	120,827	73%	46,764	39%	16,386	14%	47,516	40%	50,352	33%	35,434	23%	30,360	20%	28,604	29%	45,404	30%	46,186	35%
October	Commercial	48,786	41%	36,049	41%	48,740	69%	89,293	81%	66,323	82%	92,895	85%	96,785	75%	76,223	69%	89,986	70%	114,319	42%	75,940	62%
	Recreational	69,131	59%	52,438	59%	22,131	31%	21,413	19%	14,647	18%	16,747	15%	32,992	25%	35,015	31%	39,122	30%	159,724	58%	46,336	38%
November	Commercial	33,474	37%	41,255	48%	39,447	52%	80,726	47%	61,722	56%	94,836	68%	71,916	45%	53,858	61%	80,584	77%	1,031	1%	55,885	51%
	Recreational	56,295	63%	45,100	52%	36,259	48%	89,858	53%	48,433	44%	44,133	32%	88,951	55%	33,758	39%	23,460	23%	76,562	99%	54,281	49%
December	Commercial	27,262	41%	60,435	62%	50,428	25%	71,697	85%	38,909	86%	63,259	80%	88,192	71%	67,338	73%	81,084	51%	9	0%	54,861	54%
	Recreational	39,829	59%	36,796	38%	151,215	75%	13,114	15%	6,420	14%	15,700	20%	36,311	29%	24,749	27%	79,316	49%	55,816	100%	45,927	46%
Annual	Commercial	696,205	52%	629,378	37%	911,284	43%	1,085,357	69%	1,127,571	67%	1,126,120	72%	1,442,805	70%	1,329,131	60%	1,209,929	53%	1,184,473	56%	1,074,225	58%
	Recreational	638,096	48%	1,092,540	63%	1,203,510	57%	489,868	31%	560,385	33%	438,156	28%	616,833	30%	879,764	40%	1,079,222	47%	936,343	44%	793,472	42%

Table 2. Commercial and recreational yellowtail snapper landings (lbs ww) as a percentage of total and sector ACLs, 2012-2015.

Year	Total ACL (lbs ww)	Com. Sector ACL (lbs ww)	Com. Landings (lbs ww)	Rec. Sector ACL (lbs ww)	Rec. Landings (lbs ww)	% of Sector ACL Landed		Unharvested Total ACL (lbs ww)	% of Total ACL Landed
						Com.	Rec.		
2012	3,037,500	1,596,510	1,442,805	1,440,990	616,833	90%	43%	977,862	68%
2013	3,037,500	1,596,510	1,329,131	1,440,990	879,764	83%	61%	828,605	73%
2014	3,037,500	1,596,510	1,209,929	1,440,990	1,079,222	76%	75%	748,349	75%
2015	3,037,500	1,596,510	1,184,473	1,440,990	936,343	74%	65%	916,684	70%

Purpose and Need

Purpose for Action

The *purpose* of this amendment is to modify sector allocations, update the sector ACLs and AMs, and minimize the risk of closures in the fisheries for dolphin and yellowtail snapper.

Need for Action

The *need* for the amendment is to better achieve optimum yield (OY) for dolphin and yellowtail snapper while minimizing, to the extent possible, adverse social and economic effects due to closures.

SNAPPER GROUPER ADVISORY PANEL ACTION:
Provide comment on purpose and need

Action and Alternatives

Action: Revise sector allocations and accountability measures for South Atlantic yellowtail snapper.

Alternative 1 (No Action). The current recreational sector allocation for yellowtail snapper is 47.44% (1,440,990 lbs ww) of the total ACL. The current commercial sector allocation for yellowtail snapper is 52.56% (1,596,510 lbs ww) of the total ACL.

The current commercial AM includes an in-season closure to take place if the commercial ACL is met or projected to be met. If the commercial ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The current recreational AM includes an in-season closure to take place if the recreational ACL is met or projected to be met. It also includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have be monitored for persistence in increased landings. The length of the recreational season will not be

reduced if the RA determines the best available science shows it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Alternative 2. Maintain current sector ACLs, but revise AM to not close either sector until total ACL is met.

> ***Discussion:*** In this scenario, harvest would not close for either sector even when one sector harvests more than its sector ACL as long as the other sector is under-harvesting its sector ACL by an equal or greater amount. The fishery would close for both sectors if the total ACL was met, regardless of which sector landed more fish.
>
> As a hypothetical example, the commercial sector has harvested 1.7 million pounds and the recreational sector has harvested 1.1 million pounds for total yellowtail snapper landings of 2.8 million pounds. In this scenario, even though the commercial sector exceeded its ACL by approximately 100,000 pounds, there would not have been a closure since the total ACL was not exceeded.
>
> As another hypothetical example, the commercial sector has harvested 2 million pounds and the recreational sector has harvested 1.1 million pounds for total yellowtail snapper landings of 3.1 million pounds. In this scenario, both the commercial and recreational sectors would close since the total ACL was met, even though the recreational sector did not land its entire ACL.
>
> *Note:* Need to work out the details on timing of a closure due to the time-lag in accounting of recreational and commercial landings.

Alternative 3. Modify sector ACLs.

> **Sub-alternative 3a.** Allocate 42% (1,275,750 lbs ww) of the total ACL to the recreational sector. Allocate 58% (1,761,750 lbs ww) of the total ACL to the commercial sector. (Based on average landings from 2005-2014)
> **Sub-alternative 3b**. Allocate 40% (1,215,000 lbs ww) of the total ACL to the recreational sector. Allocate 60% (1,822,500 lbs ww) of the total ACL to the commercial sector. (Based on 2013 landings)
> **Sub-alternative 3c**. Allocate 30% (911,250 lbs ww) of the total ACL to the recreational sector. Allocate 70% (2,126,250 lbs ww) of the total ACL to the commercial sector. (Based on 2012 landings)
> **Sub-alternative 3d**. Allocate 28% (850,500 lbs ww) of the total ACL to the recreational sector. Allocate 72% (2,187,000 lbs ww) of the total ACL to the commercial sector. (Based on 2011 landings)
>
> ***Discussion:*** This alternative would reallocate the total ACL to provide a larger portion for the commercial sector. The amount of ACL that is reallocated would be dependent upon which sub-alternative is chosen.

Alternative 4. Set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

Sub-alternative 4a: 1% (30,375 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (3,007,125 lbs ww) is split between the recreational sector (1,426,580 lbs ww) and the commercial sector (1,580,545 lbs ww) according to the current allocation.
Sub-alternative 4b: 2.5% (75,938 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (2,961,562 lbs ww) is split between the recreational sector (1,404,965 lbs ww) and the commercial sector (1,556,597 lbs ww) according to the current allocation.
Sub-alternative 4c: 5% (151,874 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (2,885,625 lbs ww) is split between the recreational sector (1,368,941 lbs ww) and the commercial sector (1,516,685 lbs ww) according to the current allocation.
Sub-alternative 4d: 10% (303,750 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (2,733,750 lbs ww) is split between the recreational sector (1,296,891 lbs ww) and the commercial sector (1,436,859 lbs ww) according to the current allocation.

Discussion: This alternative would set aside a portion of the total ACL that can be used by either sector if needed to prevent a closure in the fishery. Under this scenario, a certain percentage of the total ACL is set aside into a "common pool" category for use by either sector. The ACLs for both sectors are then re-set based on the remaining total ACL. The outcome will be reduced ACLs for both the recreational and commercial sectors, but either sector may use the common pool ACL if they exceed their respective sector ACLs and the common pool category ACL has not been exhausted.

Using **Alternative 4c**, five percent (151,874 lbs ww) of the total ACL becomes a common pool category. The remaining total ACL (2,885,625 lbs ww) is split between the recreational sector (1,368,941 lbs ww) and the commercial sector (1,516,685 lbs ww) according to the current allocation (47.44% recreational, 52.56% commercial). The result is that the recreational ACL is reduced by 72,049 pounds and the commercial ACL is reduced by 78,825 pounds, but both sectors now have access to the common pool ACL (151,874 lbs ww) if needed. Additionally, the revised sector ACLs are still set above observed annual landings for either sector from 2006-2015.

As a hypothetical example under this scenario, the commercial sector has harvested 1.4 million pounds and the recreational sector has harvested 1.5 million pounds for total yellowtail snapper landings of 2.9 million pounds. Even though the recreational sector exceeded its new sector ACL by approximately 59,000 pounds, there would not have been a closure since the recreational sector was able to access additional ACL from the "common pool" category.

As another hypothetical example, the commercial sector has harvested 1.55 million pounds and the recreational sector has harvested 1.65 million pounds for total yellowtail

snapper landings of 3.2 million pounds. In this scenario, the commercial sector had not met its original ACL of approximately 1.6 million pounds, but both the commercial and recreational sectors would close since both sectors exceeded their revised sector ACLs, the "common pool" ACL had been exhausted, and the total ACL was met.

Note: Need to work out the details on timing of a closure due to the time-lag in accounting of recreational and commercial landings.

Alternative 5: If the sector ACL is not met in a fishing year, establish a sector ACL "credit" derived from the difference between the total pounds of yellowtail snapper landed in the sector and the sector ACL for that same fishing year. In the following fishing year, the credit would transfer to the sector's ACL if the sector ACL is met or exceeded. The sector ACL credit would only apply if a minimum percentage of the total ACL was not harvested in a given fishing year (Sub-alternatives 5a-5c), and only a certain percentage of the unharvested sector ACL from the previous fishing year would make up the carry-over credit (Sub alternatives 5d-5f). The carry-over credit would remain until used, but could not exceed a certain percentage of the sector ACL (Sub-alternatives 5g-5j) and the total harvest when the carryover is used could not exceed the total ACL.

Remaining Total ACL Threshold (MUST CHOOSE ONE):
Sub-alternative 5a: At least 15% (455,625 lbs ww) of the total ACL remains unharvested.
Sub-alternative 5b: At least 20% (607,500 lbs ww) of the total ACL remains unharvested.
Sub-alternative 5c: At least 25% (759,375 lbs ww) of the total ACL remains unharvested.

Percentage of Remaining sector ACL to Transfer (MUST CHOOSE ONE):
Sub-alternative 5d: The carry-over credit will be equal to 10% of the unharvested sector ACL.
Sub-alternative 5e: The carry-over credit will be equal to 15% of the unharvested sector ACL.
Sub-alternative 5f: The carry-over credit will be equal to 20% of the unharvested sector ACL.

Percentage cap for carry-over credit in relation to sector ACL (MUST CHOOSE ONE):
Sub-alternative 5g: The carry-over credit could not exceed 10% of the sector ACL.
Sub-alternative 5h: The carry-over credit could not exceed 20% of the sector ACL.
Sub-alternative 5i: The carry-over credit could not exceed 30% of the sector ACL.
Sub-alternative 5j: The carry-over credit could not exceed 100% of the sector ACL.

Discussion: This alternative would allow for a credit that can be carried over indefinitely when a sector does not land all of its ACL. As a precautionary measure to prevent exceeding the total ACL, a credit would not be issued for either sector unless a given amount of the total ACL was unharvested (Sub-alternative 5a through 5c). If this stipulation was met, then a carry-over credit would be issued for a certain percentage of

the uncaught sector ACL where applicable for each sector (Sub alternatives 5d-5f). This credit would "roll over" year after year until used and may grow if a sector does not harvest its entire ACL. So as not to have excessively large roll-over credits that may occur if a sector consistently does not harvest its sector ACL, a cap will be placed on how large the carry over credit can grow based on a certain percentage of the sector ACL (Sub-alternatives 5g-5j).

As a hypothetical example using **Sub-alternatives 5c**, **5f**, and **5i**, the commercial sector lands 1.2 million pounds and the recreational sector lands .9 million pounds for total yellowtail snapper landings of 2.1 million pounds, which is approximately 70% of the total ACL. In this case, both sectors would have a carry-over credit for the following seasons, with the recreational sector receiving 108,198 pounds and the commercial sector receiving 79,302 pounds. This carry-over credit could be built upon in following years if the sectors do not harvest their ACLs, but the credit may not exceed 478,953 pounds for the commercial sector and 432,397 pounds for the recreational sector. These credits may be used in future years if the sectors harvest more than their sector ACLs, with the stipulation that the total ACL cannot be exceeded.

Note: Need to work out the details on timing of determining if the credit could be used/if the total ACL has been met due to the time-lag in accounting of recreational and commercial landings.

Alternative 6: At the beginning of the fishing year, conditionally transfer a certain percentage (Sub-alternatives 6a-6d) of the ACL from a sector that is not landing its ACL to the other sector that is landing all or almost all of its ACL in the next fishing year, if the minimum landings threshold is not met for the donating sector (Sub-alternatives 6e-6g). If the receiving sector does not land at least 90% of its unadjusted ACL, this transfer will not occur. The highest landings from the donating sector based on available finalized data from the five years prior will be used as criteria to determine if allocation transfers will occur.

Conditional ACL Transfer (MUST CHOOSE ONE):

Sub-alternative 6a: Conditionally transfer 5% of the unadjusted ACL of the donating sector to the receiving sector.

Sub-alternative 6b: Conditionally transfer 10% of the unadjusted ACL of the donating sector to the receiving sector.

Sub-alternative 6c: Conditionally transfer 15% of the unadjusted ACL of the donating sector to the receiving sector.

Sub-alternative 6d: Conditionally transfer 20% of the unadjusted ACL of the donating sector to the receiving sector.

Donating sector's ACL Minimum Threshold (MUST CHOOSE ONE), if the donating sector's landings are:

Sub-alternative 6e: less than 50% of its unadjusted ACL.

Sub-alternative 6f: less than 65% of its unadjusted ACL.

Sub-alternative 6g: less than 75% of its unadjusted ACL.

Discussion: This alternative allows the conditional transfer of ACL from one sector to the other with limitations on the amount of ACL that can be transferred from the donating sector (**Sub-alternatives 6a-6d**). Additionally, stipulations are in place that do not allow the transfer to take place unless the donating sector is under-harvesting its ACL by at least a given percentage (**Sub-alternatives 6e-6g)** every year over the previous five years of available data**.** Also, the receiving sector must be harvesting at least 90% of its unadjusted ACL.

As a hypothetical example using **Sub-alternatives 6c** and **6g**, the commercial sector lands 1.5 million pounds and the recreational sector lands .9 million pounds for total yellowtail snapper landings of 2.4 million pounds. Additionally, the recreational sector has not landed more than 1 million pounds of yellowtail snapper in the previous five years. In this scenario, for the following fishing year a transfer of 216,149 pounds (15% of the unadjusted recreational ACL) will occur to the commercial sector since this sector harvested more than 90% of its ACL and the recreational sector harvested less than 75% of its ACL over the previous five years. If **sub-alternative 6f** were chosen instead of **6g**, no ACL transfer would occur, since the recreational sector harvested more than 65% of its ACL in the past five years.

SNAPPER GROUPER ADVISORY PANEL ACTION:
Provide comment on action and alternatives