AMENDMENT 27
to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Summary for Snapper Grouper Advisory Panel

Amendment 27 contains actions that would make the South Atlantic Fishery Management Council the responsible entity for management of yellowtail snapper, mutton snapper and Nassau grouper in the southeast U.S.; modify Section I of the Framework Procedure for the Snapper Grouper Fishery of the South Atlantic Region (Framework) to allow adjustments of the acceptable biological catch (ABC), the annual catch limit (ACL), and the annual catch target (ACT) via notice in the *Federal Register*; and modify placement of blue runner in a fishery management unit and/or modify management measures for blue runner.

Why is the South Atlantic Council taking Action?

The *purpose* of Amendment 27 is threefold:

(1) establish the South Atlantic Fishery Management Council as the responsible entity for managing yellowtail snapper, mutton snapper, and Nassau grouper throughout their range in the southeast U.S., and, as such, modify sector allocations, permitting requirements, and recreational regulations as needed;

(2) minimize regulatory delay when adjustments to snapper grouper species' Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), and Annual Catch Targets (ACTs) are needed as a result of new stock assessments; and

3) address harvest of blue runner in the mackerel gillnet fishery.

The *need* of Amendment 27 is to respond to the Gulf of Mexico Fishery Management Council's request for the South Atlantic Fishery Management Council to assume management of yellowtail snapper, mutton snapper and Nassau grouper in the southeast U.S., to expedite adjustments to ABCs, ACLs, and ACTs for snapper grouper species when a new stock assessment indicates adjustments are warranted, and to minimize socio-economic impacts to mackerel fishermen who harvest and sell blue runner to supplement their income.

What are the Issues?

Yellowtail Snapper, Mutton Snapper, and Nassau Grouper

Both the Gulf of Mexico Fishery Management Council (Gulf of Mexico Council) and the South Atlantic Council manage yellowtail and mutton snapper in their respective jurisdictions. Because the majority of harvest of these two species takes place in South Atlantic waters, the Gulf of Mexico Council has requested that the South Atlantic Council take over full management of these species throughout their range of occurrence n the southeast U.S. Previously, the South Atlantic Council cited concerns related to permitting issues related to the two different permits required to harvest and sell these species from Gulf of Mexico and South Atlantic waters. However, the South Atlantic Council has determined it is appropriate to consider taking over management of yellowtail and mutton snapper, and will also consider options that would establish sector allocations based on the South Atlantic Council's approved allocations methodology, alleviate any permitting conflicts and other requirements that would affect Gulf of Mexico reef fish and South Atlantic snapper grouper fishery participants.

On December 16, 2011, a notice of agency action was published in the *Federal Register* (76 FR 78245), which removed the Gulf of Mexico Council's management authority over Nassau grouper in the Gulf of Mexico. The Gulf

of Mexico Council took this action with the intention that the South Atlantic Council would extend their area of jurisdiction for management of Nassau grouper to include federal waters of the Gulf of Mexico. The South Atlantic Council is addressing the issue of extending its management authority over Nassau grouper to include the Gulf of Mexico exclusive economic zone (EEZ) in Amendment 27.

Snapper Grouper Framework Modifications

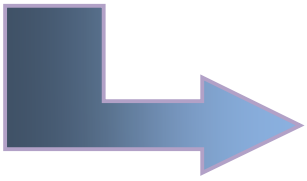
Currently, the Framework allows ABCs, ACLs, and ACTs to be modified for snapper grouper species via the regulatory amendment process, which most often requires the development of an amendment and associated National Environmental Policy Act (NEPA) documents in addition to proposed and final rules with public comment periods. This process can be quite lengthy, and prevents fishery managers from quickly implementing new harvest parameters in response to new scientific information when needed. This lag time between when new information becomes available and when catch levels can be adjusted has the potential to result in adverse impacts on the economic and biological environments. Therefore, the South Atlantic Council is considering an action in Amendment 27 that would allow ABCs, ACLs, and ACTs to be modified by publishing a public notice in the *Federal Register*, eliminating the need for development of a regulatory amendment.

Blue Runner

For many years, South Atlantic mackerel gillnet fishery participants have been selling blue runner caught in gillnets as bycatch to supplement their incomes without having a valid South Atlantic Unlimited Snapper Grouper Permit, or a valid South Atlantic 225-pound Snapper Grouper Permit, which is a requirement under the Snapper Grouper FMP. It is likely that mackerel fishery participants were not aware blue runner were included in the snapper grouper fishery management unit, and managed with commercial and recreational ACLs and a restriction is in place on the sale of bag limit caught quantities under the Snapper Grouper FMP. Because some mackerel fishery participants derive up to 30% of their income from the sale of blue runner, the South Atlantic Council is considering taking action to allow fishermen who capture blue runner as bycatch while using gillnets to fish for South Atlantic mackerel species to be able to legally sell blue runner and thus prevent adverse socio-economic impacts.

What Are the Proposed Actions?

There are 8 actions being proposed in Amendment 27. Each *action* has a range of *alternatives*, including a 'no action alternative' and a 'preferred alternative'. The Council has not yet chosen preferred alternatives for all of the actions in this amendment.



Actions in Amendment 27

1. Modify management jurisdiction for yellowtail snapper and mutton snapper in the southeast region
2. Modify commercial and recreational sector allocations for yellowtail snapper and mutton snapper to be consistent with the transfer in management authority to the South Atlantic Council
3. Address cross-jurisdictional permit issues for harvest of yellowtail snapper and mutton snapper in the southeast region
4. Modify management measures for yellowtail snapper to be consistent with the transfer in management authority to the South Atlantic Council
5. Modify management measures for mutton snapper to be consistent with the transfer in management authority to the South Atlantic Council
6. Extend the South Atlantic Council's area of jurisdiction for management of Nassau grouper to include the Gulf of Mexico
7. Modify Section I of the Snapper Grouper FMP Framework procedure
8. Modify placement of blue runner in a fishery management unit and/or modify management measures for blue runner

Some Useful Definitions

Annual Catch Limit (ACL)
The level of annual catch (lbs or numbers) that triggers accountability measures to ensure that overfishing is not occurring.

Fishery Management Unit
A fishery or that portion of a fishery identified in Fishery Management Plan (FMP) relevant to the FMP's management objectives. The choice of an FMU depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives.

Snapper Grouper Framework
A mechanism for making changes to allowable catch levels and related management of stocks or stock complexes in a timely manner when stock assessments or new assessment information indicates that changes are needed.

What Are the Alternatives?

Action 1. Modify management jurisdiction for yellowtail snapper and mutton snapper in the southeast region

Alternative 1 (No Action). Retain the existing management authority of the South Atlantic Fishery Management Council (South Atlantic Council) and the Gulf of Mexico Fishery Management Council (Gulf of Mexico Council) to manage yellowtail snapper and mutton snapper in their respective jurisdictions.

Alternative 2. Designate the South Atlantic Council as the responsible Council that will manage yellowtail snapper and mutton snapper in Gulf of Mexico and South Atlantic waters. Both species will have a single Acceptable Biological Catch (ABC) and Total Annual Catch Limit (ACL) to be allocated between commercial and recreational sectors according to the South Atlantic Council's approved allocations formula.

Preliminary Analyses

Maintaining the current, separate yellowtail and mutton snapper ACLs for the South Atlantic and Gulf of Mexico under **Alternative 1 (No Action)**, is not preferable under National Standard 3, which states:

> *To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.*

Therefore, separate management programs in two areas under two separate FMPs with different lead Councils, while not preferred under National Standard 3, are feasible, provided the FMP(s) justifies the approach and that the management of both areas is done in close coordination. Until now, the South Atlantic and Gulf of Mexico Councils have chosen the latter approach to manage yellowtail and mutton snapper because of concerns regarding the differences in how permits are handled under each Council's area of jurisdiction. The biological effects, if any, of managing a single stock under separate FMPs are difficult to quantify. For instance, if a species moves extensively throughout its range (and thus across jurisdictional boundaries), then biological impacts could ensue if fishing pressure was disproportionate on portions of the stock due to the timing and extent of the species' movements (NEFMC 2011). Further, if they South Atlantic Council chose **Alternative 1 (No Action)**, the Gulf portions of the mutton and yellowtail ACLs would be un-managed if they Gulf of Mexico Council were to give up management of those species.

Alternative 2 would modify management of these two stocks to conform to National Standard 3 guidance. However, this would be an administrative action and is therefore unlikely to result in any biological impacts since the stocks would still be managed under an ACL with appropriate AMs to maintain sustainable harvest levels. A direct result of **Alternative 2** would be the specification of a single ABC and total ACL for each species without allocating a portion of the ACLs to the Gulf of Mexico.

Action 2. Modify commercial and recreational sector allocations for yellowtail snapper and mutton snapper to be consistent with the transfer in management authority to the South Atlantic Council

Alternative 1 (No Action). Sector allocations for yellowtail and mutton snapper in the South Atlantic are based on the following formula:

> (50% X average of SA landings 1986-2008) + (50% X average of SA landings 2006-2008)

The current sector allocations for yellowtail snapper in the South Atlantic are 52.56% commercial and 47.44% recreational. The commercial and recreational ACL are 1,142,589 pounds ww and 1,031,286 pounds ww, respectively.

The current sector allocations for mutton snapper in the South Atlantic are 17.02% commercial and 82.98% recreational. The commercial and recreational ACLs are 157,743 pounds ww and 768,857 pounds ww, respectively.

A single Annual Catch Limit (ACL) is in place for each of these two species in the Gulf of Mexico. The stock ACL for yellowtail snapper is 725,000 pounds ww, and that for mutton snapper is 203,000 pounds ww.

Alternative 2. Revise sector allocations for yellowtail snapper and mutton snapper, based on the South Atlantic Council's approved allocations formula, to include landings from Gulf of Mexico waters. The revised formula would be:

> (50% X average of SA landings and Gulf landings 1986-2008) + (50% X average of SA and Gulf landings 2006-2008)

Sector allocations would be applicable in both South Atlantic and Gulf of Mexico waters.

Preliminary Analyses

The need for this action assumes the South Atlantic Council chooses Alternative 2 under **Action 1** as their preferred alternative. **Alternative 1 (No Action)** would maintain current sector allocations for yellowtail snapper and mutton snapper, which have both been established to constitute a single stock in the southeast U.S. (Saillant et al. 2012), by separate entities. Under **Alternative 1 (No Action)** for this action, the Gulf of Mexico's portion of the yellowtail and mutton snapper allocations would not be integrated into the current South Atlantic sector allocation regimes for these species. If the Council chose **Alternative 2** under **Action 1**, but the Gulf's portion of the mutton and yellowtail ACLs were not re-allocated, the fishery would not reach OY because the ACL would be set too low.

Alternative 2 would extend the South Atlantic Council's approach to allocate the ACL between commercial and recreational sectors into Gulf of Mexico federal waters. However, both species would continue to be managed according to their status as revealed in the most current stock assessment and existing accountability measures would ensure that landings remain below the ACL. Therefore, there would be no direct

biological impacts to the stocks. Reallocating the Gulf's percentage of the total ACL to the South Atlantic would effectively increase the South Atlantic's ACLs and allow the fishery to achieve OY. Incorporating average landings of yellowtail snapper from the Gulf of Mexico for 1986-2008 into the South Atlantic Council's allocation formula (Boyle's Law), results in a sector allocations of 53.03% commercial and 43.97% recreational. For mutton snapper, the sector allocations would be 27.11% commercial and 72.89% recreational (**Table 1**).

Table 1. Current and adjusted sector allocations for yellowtail and mutton snapper.

Current sector allocations (*South Atlantic only*)		**Adjusted sector allocations (South Atlantic and Gulf of Mexico combined)**	
Yellowtail	**Mutton**	**Yellowtail**	**Mutton**
52.56% commercial 47.44% recreational	17.02% commercial 82.98% recreational	53.03% commercial 43.97% recreational	27.11% commercial 72.89% recreational

Source: NMFS SERO

Allocation issues under the current management regime primarily revolve around dividing the landings (commercial and recreational) in Monroe County, because the current Gulf of Mexico and South Atlantic Council jurisdictional boundary line is the Florida Keys. The vast majority of landings for both yellowtail and mutton snapper originate in the Florida Keys, which currently complicates attributing those landings to the "appropriate" management area. The post-stratification, or splitting, of Monroe County landings has been problematic and has required that analysts make a number of assumptions that may introduce bias in the data. In addition, the South Atlantic Council has chosen to specify sector ACLs for both species whereas the Gulf of Mexico Council has combined (commercial and recreational) ACL specification for each species. **Alternative 1 (No Action)** would continue to split Monroe County landings, inherently introducing some level of uncertainty in tracking the landings.

Alternative 2 would make management measures consistent throughout the stock's range. The single ACL for each species would be divided into separate commercial and recreational ACLs based on the South Atlantic Council's sector allocation formula. Consistent management measures would result in more accurate tracking of landings, better accountability, and therefore positive overall biological impacts on the stocks of yellowtail snapper and mutton snapper.

Action 3. Address cross-jurisdictional permit issues for harvest of yellowtail snapper and mutton snapper in the southeast region

Alternative 1 (No Action). The Gulf of Mexico Reef Fish Permit is required for the commercial harvest of yellowtail snapper and mutton snapper from the Gulf of Mexico's Exclusive Economic Zone (EEZ), and the South Atlantic Unlimited Snapper Grouper Permit or 225 Snapper Grouper Permit is required for the commercial harvest of yellowtail snapper and mutton snapper from the South Atlantic EEZ. The Gulf of Mexico Charter/Headboat Reef Fish Permit is required to recreationally harvest yellowtail snapper and mutton snapper in Gulf of Mexico federal waters from a charter or headboat, and the South Atlantic Charter/Headboat Permit for Snapper Grouper is required for recreational harvest of yellowtail snapper and mutton snapper in South Atlantic federal waters from a charter or headboat.

Alternative 2. The South Atlantic Fishery Management Council will continue to allow commercial harvest of yellowtail snapper and mutton snapper in the Gulf of Mexico under the Gulf of Mexico Reef Fish Permit and the recreational harvest of yellowtail snapper and mutton snapper in the Gulf of Mexico from a charter or headboat under the Gulf of Mexico Charter/Headboat Reef Fish Permit. Commercial harvest of these species in South Atlantic waters will continue to require a commercial Snapper Grouper Unlimited Permit or 225 Snapper Grouper Permit and recreational harvest from a charter or headboat will continue to require a South Atlantic Charter/Headboat Permit for Snapper Grouper.

Preliminary Analyses

This action addresses administrative changes and would not result in any biological impacts. The amount of fishing pressure on the species would not be altered by this action.

Action 4. Modify management measures for yellowtail snapper to be consistent with the transfer in management authority to the South Atlantic Council

Alternative 1 (No Action). Retain the current Gulf of Mexico and South Atlantic commercial and recreational regulations for yellowtail snapper. In the South Atlantic and the Gulf of Mexico yellowtail snapper have a 12-inch commercial and recreational minimum size limit, and are included in the 10 snappers per person per day aggregate bag limit.

Alternative 2. Remove yellowtail snapper from the South Atlantic aggregate bag limit and establish one southeast region bag limit for yellowtail snapper.

Sub-Alternative 2a. Establish a southeast region yellowtail snapper bag limit of 2 fish per person per day.

Sub-Alternative 2b. Establish a southeast region yellowtail snapper bag limit of 5 fish per person per day.

Sub-Alternative 2c. Establish a southeast region yellowtail snapper bag limit of 7 fish per person per day.

Preliminary Analyses

Depending on the outcome of **Action 1** and **Action 2**, modification to existing recreational management measures would be needed to prevent a possible increase in the rate of harvest of yellowtail snapper. If yellowtail snapper was removed from the Gulf of Mexico Council's 10-snapper aggregate bag limit and fishermen in the Gulf of Mexico were subject to the South Atlantic Council's aggregate bag limit, that could effectively double the limit for recreational fishermen in the Gulf, i.e., 10 yellowtail snapper under the South Atlantic aggregate bag limit plus 10 other snappers under the Gulf aggregate bag limit. In order to avert this situation, a single bag limit that would be applicable in both South Atlantic and Gulf of Mexico federal waters would need to be specified for yellowtail snapper. If **Alternative 2** under **Action 1** is chosen and the South Atlantic Council becomes responsible for management of yellowtail snapper throughout its range in the southeast U.S., then it would be the South Atlantic Council's responsibility to modify recreational management measures accordingly. **Alternative 2** would accomplish this by establishing a single southeast region recreational bag limit for yellowtail snapper. This alternative would result in positive biological impacts to yellowtail snapper since recreational harvest would be allowed at a level that would maintain landings below the recreational ACL in both South Atlantic and Gulf of Mexico federal waters. **Sub-alternatives 2a-2c** present increasing recreational bag limit options for yellowtail snapper, thus the biological impacts of these three sub-alternatives would increase accordingly, the lower the bag limit the more biologically beneficial the sub-alternative would be Conversely, the smaller the bag limit is the more regulatory discards are generated, which may somewhat negate the positive biological impacts of a lower bag limit. **Figure 1** shows the number of yellowtail snapper caught per angler on private,

charter, and headboat trips in the South Atlantic and **Figure 2** presents the same information in the Gulf of Mexico.

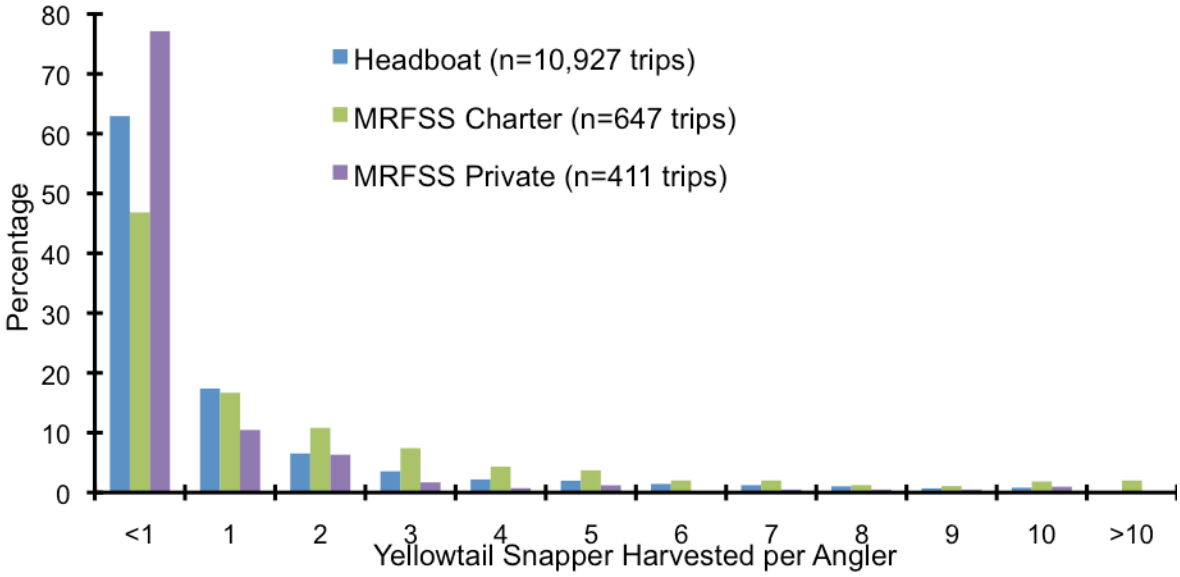


Figure 1. Distribution of South Atlantic yellowtail snapper harvested per angler from the two recreational datasets (MRFSS and HBS) from 2009 to 2011.
Source: NMFS SERO

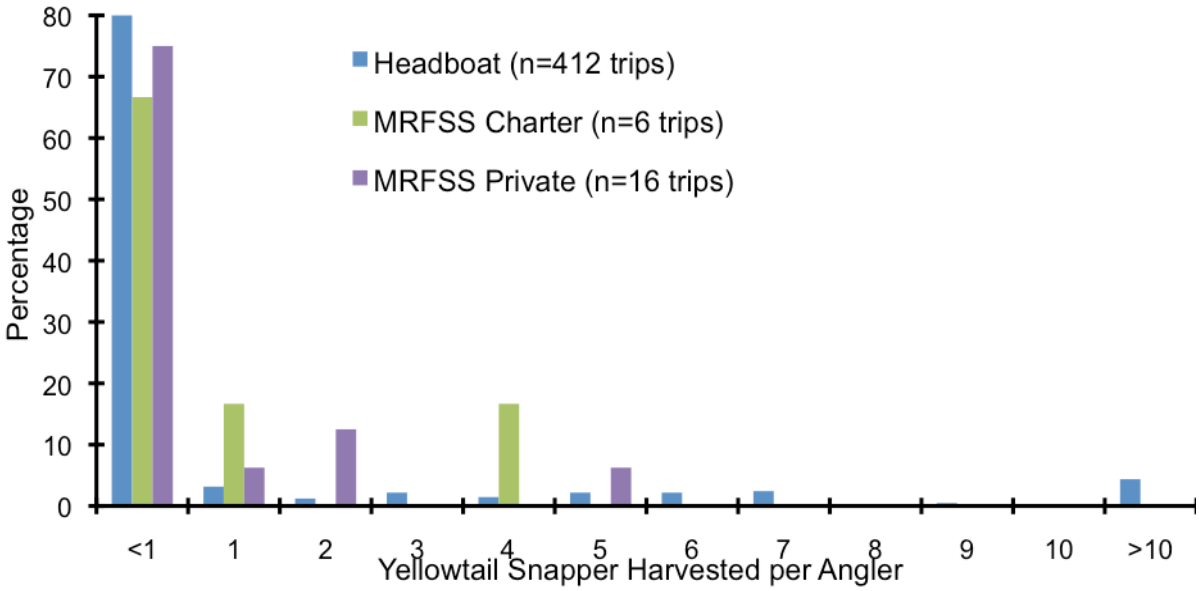


Figure 2. Distribution of Gulf of Mexico yellowtail snapper harvested per angler from the two recreational datasets (MRFSS and HBS) from 2009 to 2011.
Source: NMFS SERO

The distribution of yellowtail snapper harvested per trip in the Gulf of Mexico is not dramatically different than that for the South Atlantic. However, there is a large difference in the number of trips. The South Atlantic had a total of 11,985 trips that landed yellowtail snapper between 2009 and 2011, yet the Gulf of Mexico only had 435 trips that landed yellowtail during the same time period.

Action 5. Modify management measures for mutton snapper to be consistent with the transfer in management authority to the South Atlantic Council

Alternative 1 (No Action). In the South Atlantic and in the Gulf of Mexico mutton snapper have a 16-inch commercial and recreational minimum size limit and are part of the 10 snappers per person per day aggregate bag limit. For mutton snapper in the South Atlantic, the commercial sector is limited to 10 fish per person per day or per trip, whichever is more restrictive, during May and June.

Alternative 2. Remove mutton snapper from the South Atlantic aggregate bag limit and establish one southeast region bag limit for mutton snapper.

Sub-Alternative 2a. Establish a southeast region mutton snapper bag limit of 1 fish per person per day.

Sub-Alternative 2b. Establish a southeast region mutton snapper bag limit of 2 fish per person per day.

Sub-Alternative 2c. Establish a southeast region mutton snapper bag limit of 3 fish per person per day.

Alternative 3. Extend the commercial May and June harvest restriction for mutton snapper in the South Atlantic into Gulf of Mexico waters. Commercial harvest of mutton snapper during May and June would be limited to 10 per person per day or 10 per person per trip, whichever is more restrictive.

Preliminary Analyses

Depending on the outcome of **Action 1** and **Action 2**, modification to existing recreational management measures would be needed to prevent a possible increase in the rate of harvest of mutton snapper. If mutton snapper was removed from the Gulf of Mexico Council's 10-snapper aggregate bag limit and fishermen in the Gulf of Mexico were subject to the South Atlantic Council's aggregate bag limit, that could effectively double the limit for recreational fishermen in the Gulf, i.e., 10 mutton snapper under the South Atlantic aggregate bag limit plus 10 other snappers under the Gulf aggregate bag limit. In order to avert this situation, a bag limit that would be applicable in both South Atlantic and Gulf of Mexico federal waters would need to be specified for mutton snapper. If **Alternative 2** under **Action 1** is ultimately chosen and the South Atlantic Council becomes responsible for management of mutton snapper throughout its range in the southeast U.S., then it would be the South Atlantic Council's responsibility to modify recreational management measures accordingly. **Alternative 2** would accomplish this by establishing a single southeast region recreational bag limit for mutton snapper. This alternative would result in positive biological impacts to mutton snapper since recreational harvest would be allowed at a level that would maintain landings below the recreational ACL in both South Atlantic and Gulf of Mexico federal waters. **Sub-alternatives 2a-2c** present increasing recreational bag limit options for mutton snapper, thus the biological impacts of these three sub-alternatives would increase accordingly, the

lower the bag limit the more biologically beneficial the sub-alternative would be Conversely, the smaller the bag limit is the more regulatory discards are generated, which may somewhat negate the positive biological impacts of a lower bag limit. **Figure 3** shows the number of mutton snapper caught per angler on private, charter, and headboat trips in the South Atlantic and **Figure 4** presents the same information in the Gulf of Mexico.

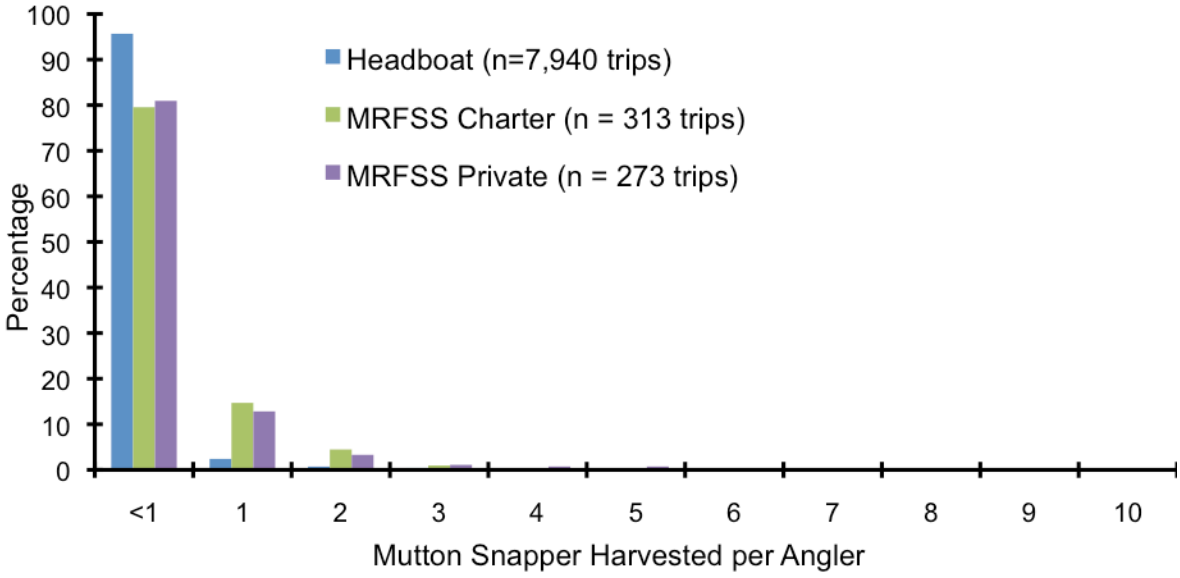


Figure 3. Distribution of South Atlantic mutton snapper harvested per angler from the two recreational datasets (MRFSS and HBS) from 2009 to 2011.
Source: NMFS SERO

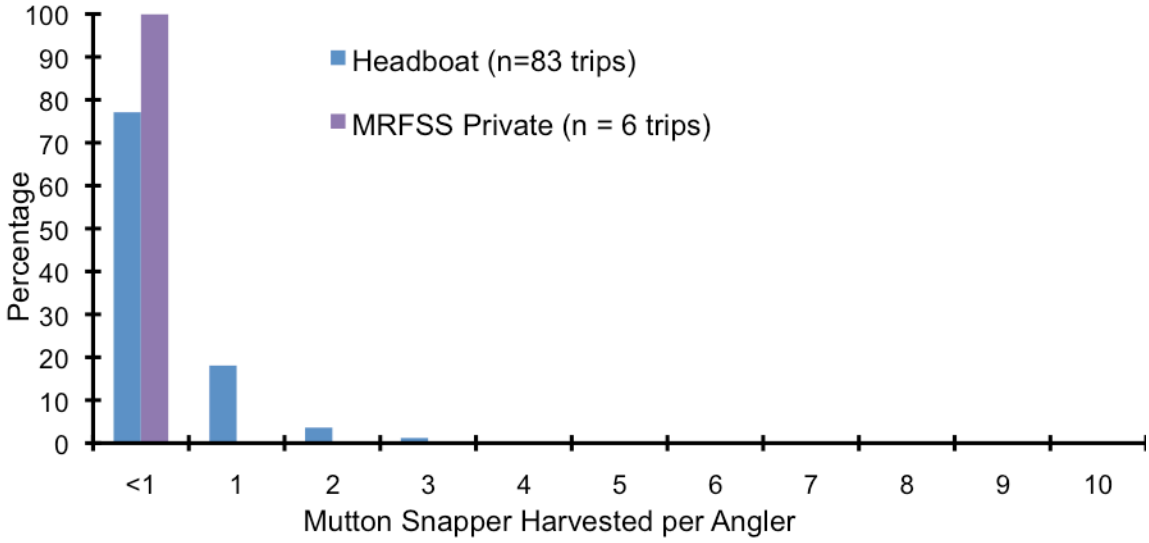


Figure 4. Distribution of Gulf of Mexico mutton snapper harvested per angler from the two recreational datasets (MRFSS and HBS) from 2009 to 2011.
Source: NMFS SERO

The distribution of mutton snapper harvested per trip in the Gulf is not dramatically different than the distribution for the South Atlantic. However, there is a large difference in the number of trips. The South Atlantic had a total of 8,526 trips that landed mutton snapper between 2009 and 2011, yet the Gulf of Mexico only had 89 trips that landed mutton snapper during the same time period.

Alternative 3 would have positive biological impacts in that more of the spawning population of mutton snapper would be protected during the spawning season. This alternative could be significantly beneficial to the mutton snapper stock, as recent years have seen very intense recreational effort, particularly in south Florida and during the peak of mutton snapper spawning (T. Kellison, SEFSC Beaufort Laboratory, personal communication).

Action 6. Extend the South Atlantic Council's area of jurisdiction for management of Nassau grouper to include the Gulf of Mexico

Alternative 1 (No Action). Nassau grouper harvest is prohibited in the South Atlantic and Gulf of Mexico. The South Atlantic Council's area of jurisdiction for management of Nassau grouper is limited to federal waters of the South Atlantic.

Alternative 2. The South Atlantic Council would extend its jurisdictional authority for management of Nassau grouper to include federal waters of the Gulf of Mexico. Harvest of Nassau grouper in the Gulf of Mexico EEZ would continue to be prohibited.

Preliminary Analyses

In a letter dated April 22, 2010, the Gulf of Mexico Council requested that the South Atlantic Council consider managing reef fish species, including Nassau grouper, throughout their range. The Gulf of Mexico Council indicated that the geographical distribution of Nassau grouper was on the fringe of its jurisdiction. The South Atlantic Council subsequently expressed their willingness to take over management of Nassau grouper and the other two species (addressed in **Action 1** of this amendment) but has not yet taken action to extend its management authority into Gulf of Mexico federal waters. The Gulf of Mexico Council took action to remove Nassau grouper from its Reef Fish Fishery Management Plan through its Generic Annual Catch Limit (ACL) Amendment (GMFMC 2011). Therefore, **Alternative 1 (No Action)** is not feasible since that would leave Nassau grouper in Gulf of Mexico waters without federal management. Currently, the prohibition on harvest for this species in Gulf of Mexico waters is still in effect. However, it would cease to be in effect once the South Atlantic Council took over management of this species throughout its range in the southeast U.S. Hence **Alternative 2** would be necessary to ensure that the prohibition on harvest of Nassau grouper continues to be in effect in Gulf of Mexico federal waters. The biological impacts of **Alternative 2** would be beneficial since Nassau grouper has been under a harvest moratorium since 1992 (SAFMC 1991) due to concerns of overexploitation. Furthermore, NOAA Fisheries recently announced its intent to conduct a review to determine whether Nassau grouper should be listed under the Endangered Species Act as threatened or endangered (77 FR 61559). NOAA Fisheries concluded that "there is substantial information indicating that the petitioned action may be warranted, based on the threats of overutilization for commercial, recreational, scientific or education purposes, and inadequacy of existing regulatory mechanisms". Thus it is of critical biological importance that the moratorium on commercial and recreational harvest of Nassau grouper be continued throughout the species' range in the southeast U.S.

Action 7. Modify Section I of the Snapper Grouper FMP Framework procedure

Alternative 1 (No Action). Section I of the snapper grouper framework procedure, as modified through Amendment 17B, is as follows:

I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:

Procedure for Specifications:

1. At times determined by the SEDAR Steering Committee, and in consultation with the Council and NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to F_{MSY} (MFMT) and F_{OY}; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of B_{MSY}.

2. The Council will consider SEDAR stock assessments or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The Scientific and Statistical Committee (SSC) will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT (F_{MSY}). The ABC range is intended to provide guidance to the SSC and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper population levels at or above B_{MSY} within the rebuilding periods specified by the Council and approved by NOAA Fisheries Service. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including

generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council a B_{MSY} level and a MSST from B_{MSY}. The report may also recommend more appropriate estimates of F_{MSY} for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking in account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rational why it believes that level of fishing will not exceed MFMT.

4. The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

5. The Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:

> **a.** Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.
>
> **b.** May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that

sector will be adjusted in accordance with the AMs established for that stock.

c. Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

6. The Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NOAA Fisheries Service Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of B_{MSY} and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

7. The Regional Administrator will review the Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.

8. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:

- **a.** ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
- **b.** ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
- **c.** AMs or sector AMs.
- **d.** Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
- **e.** The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
- **f.** New levels or statements of MSY (or proxy) and OY for any stock.
- **g.** New levels of total allowable catch (TAC).
- **h.** Adjust fishing seasons/years.

9. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.

- **a.** Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector form exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
- **b.** Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
- **c.** Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

10. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

Alternative 2. Modify Section I of the Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments. The modification would add the following language:

Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) Adjustment Procedure

1. Stock assessments will continue to be conducted for snapper grouper species in the management area through the SEDAR process.
2. Following the Scientific and Statistical Committee (SSC)'s review of the stock assessment and a public hearing, the Council will determine if changes are needed in the OFL, ABC, ACLs, and ACTs and so advise the Regional Director (RD).
3. Following a review for consistency with the FMP and applicable law, the RD may reject or may implement changes by notice in the *Federal Register* to be effective for the next fishing season.

Preliminary Analyses

This administrative action would have indirect positive biological effects in that adjustments to harvest levels would not be subject to regulatory delays as is currently the case under **Alternative 1 (No Action)**. As such, biological benefits would result in that appropriate levels of harvest could be set quickly in response to the latest scientific information in order to maintain harvest levels at or below the ACL. The SEDAR

process currently only produce one stock assessment each year. As such, the data that are utilized in the assessment are already at least one year old by the time the assessment results are available and can be used for management purposes. It is therefore advantageous to make any modifications to the existing management process, as proposed under **Alternative 2** that would speed up fishing level adjustments for snapper grouper species.

Action 8. Modify placement of blue runner in a fishery management unit and/or modify management measures for blue runner

Alternative 1 (No Action). Blue runner is managed under the Snapper Grouper Fishery Management Plan. A federal South Atlantic Unlimited or 225 Snapper Grouper Permit is required to commercially harvest and sell blue runner. A federal Commercial Dealer Permit is required to purchase blue runner. The commercial Annual Catch Limit (ACL) for blue runner is 188,329 pounds whole weight (ww) and the commercial allocation is 15% of the total ACL. If the commercial ACL is met or is projected to be met, all subsequent purchase and sale is prohibited. If the commercial ACL is exceeded, the Regional Administrator will publish a notice to reduce the ACL in the following season by the amount of the overage, but only if the species is overfished.

The recreational ACL for blue runner is 1,101,612 ww. There is a recreational annual catch target (ACT) for blue runner, which equals ACL*(1-percent standard error) or ACL*0.5, whichever is greater. If the annual recreational landings exceed the recreational ACL in a given year the following year's landings will be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the recreational fishing season as necessary.

Alternative 2. Remove blue runner from the Snapper Grouper Fishery Management Unit and place it under the Coastal Migratory Pelagics Fishery Management Unit.

Alternative 3. Retain blue runner in the Snapper Grouper Fishery Management Plan but allow commercial harvest of blue runner with a gill net for vessels that have been issued a Spanish mackerel Permit. Require a bluer runner endorsement for Spanish mackerel-permitted vessels for the commercial harvest and sale of blue runner.

Alternative 4. Retain blue runner in the Snapper Grouper Fishery Management Plan but exempt it from the Snapper Grouper permit requirement for purchase, harvest, and sale.

Preliminary Analyses

Under **Alternative 1 (No Action),** blue runner would continue to be part of the Snapper Grouper Fishery Management Unit (FMU). Only fishermen with a valid South Atlantic Unlimited Snapper Grouper Permit or 225 Permit would be legally allowed to harvest them commercially and only dealers with a valid commercial Snapper Grouper Dealer Permit would be allowed to purchase and sell blue runner. However, South Atlantic commercial snapper grouper fishermen do not commonly target blue runner. Blue runner constituted less than 3% of the total commercial snapper grouper harvest in the South Atlantic from 2000 to 2011 (**Table 2**).

Table 2. Total annual landings (pounds whole weight) of snapper grouper species and total landings of blue runner (pounds whole weight) in the South Atlantic from 2000 to 2011.

Year	Total snapper grouper	Total blue runner	Percent blue runner
2000	9,314,188	156,832	1.68%
2001	8,759,531	158,453	1.81%
2002	8,276,934	132,756	1.60%
2003	6,421,749	108,412	1.69%
2004	9,002,185	149,080	1.66%
2005	8,104,573	128,773	1.59%
2006	7,433,209	155,450	2.09%
2007	7,440,210	130,939	1.76%
2008	8,553,781	192,593	2.25%
2009	8,959,344	259,387	2.90%
2010	8,402,187	223,954	2.67%
2011	7,981,696	237,028	2.97%

Source: NMFS SERO

Out of all the commercial trips with hook-and-line gear that landed at least one pound of blue runner between 2007 and 2011, 51% and 49% also landed other snapper grouper species and king mackerel, respectively. Spanish mackerel were landed on 28% of the trips (**Figure 5**).

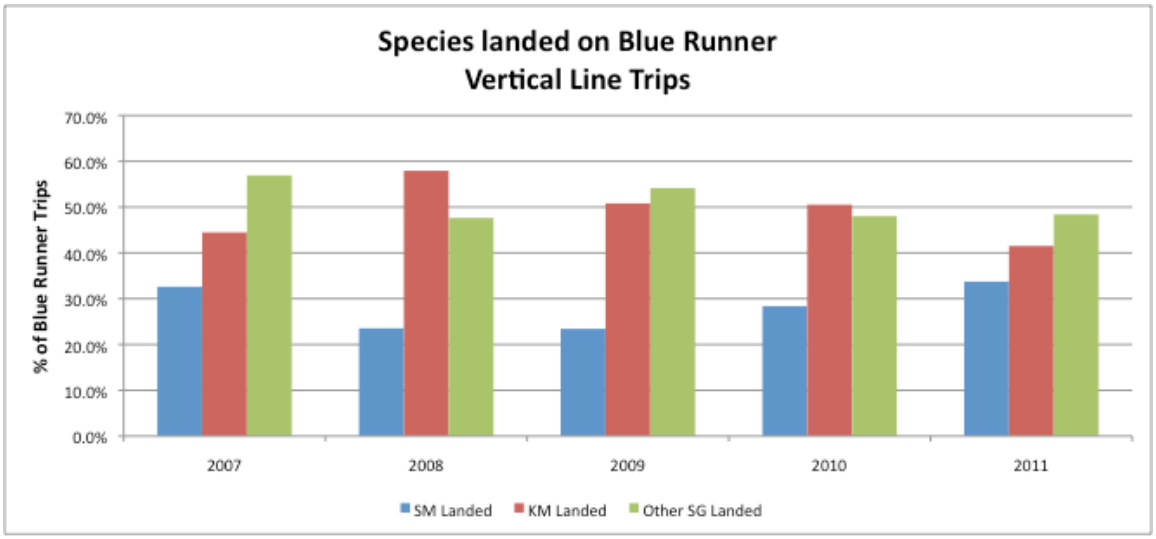


Figure 5. Percentage of mackerel and other snapper grouper species landed with hook-and-line on trips that caught at least one pound of blue runner in the South Atlantic between 2007 and 2011. Source: NMFS SERO

On the other hand, out of all the commercial trips with gillnet gear that landed at least one pound of blue runner between 2007 and 2011, 90% or greater also landed Spanish mackerel (**Figure 6**). Clearly, the majority of blue runner in the South Atlantic are harvested using gillnet gear along with Spanish mackerel. Gillnets, however, are not included in the allowable gear to harvest snapper grouper species in the South Atlantic.

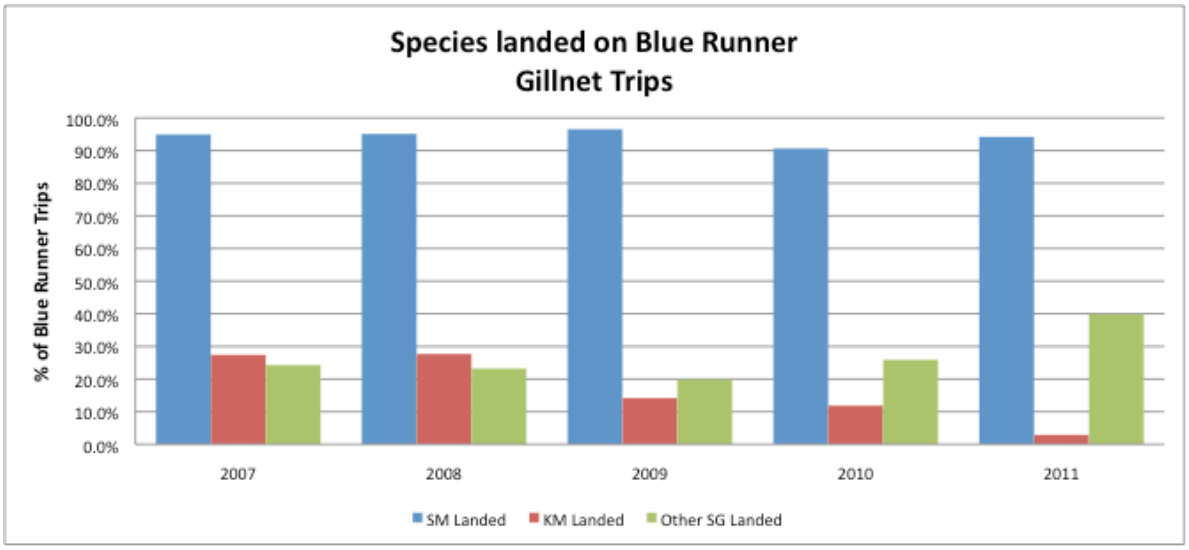


Figure 6. Percentage of mackerel and other snapper grouper species landed with gillnet gear on trips that caught at least one pound of blue runner in the South Atlantic between 2007 and 2011. Source: NMFS SERO

Table 3 shows total annual commercial landings of blue runner as from two sources: the Southeast Fisheries Science Center's Coastal Fisheries Logbook Program (CFLP) and the Accumulated Landings System (ALS). These two programs are the main source of commercial landings statistics in the southeast region. A comparison of the landings reveals that only an average of 60% of total annual blue runner landings were captured in the CFLP over the past 12 years. The remaining 40% of landings that are reported via trip tickets can be attributed to non-federally permitted fishermen.

Table 3. Total annual landings of blue runner (pounds whole weight) as reported through the Coastal Fisheries Logbook Program (CLFP) and the Accumulated Landings System (trip ticket data) from 2000 to 2011.

Year	Logbook Landings	Trip Ticket Landings	% of total reported to CFLP
2000	82,582	156,832	52.7%
2001	105,355	158,453	66.5%
2002	85,614	132,756	64.5%
2003	75,544	108,412	69.7%
2004	108,024	149,080	72.5%
2005	80,685	128,773	62.7%
2006	91,250	155,450	58.7%
2007	89,161	130,939	68.1%
2008	99,042	192,593	51.4%
2009	132,082	259,387	50.9%
2010	122,221	223,954	54.6%
2011	131,451	237,028	55.5%

Source: NMFS SERO

Alternative 1 (No Action) could result in negative biological impacts over the long-term because landings of blue runner are not being adequately monitored, which could result in ACL overages. Blue runner has not been assessed in the South Atlantic and the current ABC, as recommended by the South Atlantic SSC, is set at the third highest average landings between 1999 and 2008. The ABC for this species is 1,289,941 pounds ww, 15% of which is allocated to the commercial sector. However, total commercial landings of blue runner in the South Atlantic, as indicated by trip ticket (ALS) data in **Table 1**, have been above the current commercial ACL of 188,329 pounds ww since 2008. However, the Comprehensive ACL Amendment (SAFMC 2011c), implemented in April 2012, put in place in-season and post-season AMs to ensure that harvest does not exceed the ACL specified for this species.

The biological effects of removing blue runner from the Snapper Grouper FMU and instead managing it under the Coastal Migratory Pelagics FMU, as proposed under **Alternative 2**, would not be significant as long as landings of this species remained below the established ACL. The species is neither a "snapper" nor a "grouper" but a member of the Jacks family. The species was originally included in the snapper grouper management unit because it was thought to co-occur with other, more economically desirable, species. Placement of species in distinct management units does not necessarily have to be done according to how closely-related the species within the unit are. Management units, such as snapper grouper, can also be designed around ecological attributes. According to mackerel fishermen, blue runners are usually harvested during the spring months, when they are mixed in with schools of Spanish mackerel. As the season progresses; however, blue runners apparently move elsewhere and fishermen report a very "clean" harvest of Spanish mackerel thereafter. Evidently, there is some ecological association, albeit temporary, between blue runners and Spanish mackerel. This would tend to support placing blue runner in the same Fishery Management Unit as Spanish mackerel, as proposed under **Alternative 2**. However, not enough scientific information is currently available to support this association.

Neither **Alternatives 3** or **4** propose changes that would result in biological impacts to the blue runner stock in the South Atlantic. Both alternatives propose administrative changes to allow the harvest of bluer runner to continue as it has been taking place for over a decade. Hence no significant impacts over the status quo would be expected.