



## Content and Status of Amendments Affecting the Snapper Grouper Fishery

October 10, 2013

### **Amendments under Review**

#### *Snapper Grouper Amendment 27 (Nassau grouper, blue runner, framework)*

This amendment assumes management of Nassau grouper in the Gulf of Mexico; modifies the crew size restriction for dual-permitted vessels (those with a Snapper Grouper Unlimited or 225-Pound Permit and a Charter/Headboat Permit for Snapper Grouper); considers modifications to the bag limit retention restriction for captain and crew of for-hire vessels; proposes changes to the existing snapper grouper framework procedure to allow for more timely adjustments to ACLs; and modifies management measures for blue runner. The Council approved this amendment for submission to the Secretary of Commerce at their March 2013 meeting.

A proposed rule for this amendment published in the *Federal Register* on September 27. NMFS will accept comments until October 28.

#### *Joint South Atlantic/Gulf of Mexico Generic Headboat Reporting Amendment*

An action to address charter/headboat reporting was originally included in CE-BA 3. At the December 2012 meeting, the Council voted to develop that action in a separate generic amendment jointly with the Gulf of Mexico Council and so amend the Snapper Grouper, Dolphin Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels. The Councils' currently preferred alternative would require that headboats submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified. Weekly is defined as 7 days after the end of each week (Sunday). At the March 2013 SA Council meeting, staff reviewed the Gulf Council's February 7, 2013 Data Collection Committee Report; indicated that the Gulf Council had approved the amendment for formal review, along with any regulations deemed necessary and appropriate by the South Atlantic Council. Council staff also reviewed the compliance and catastrophic condition provisions that were added to the amendment to reflect the Councils' intent. The amendment was approved for submission to the Secretary in March 2013 (SA Council).

#### *Generic Dealer Amendment*

The amendment would modify the current permitting and reporting requirements for seafood dealers who first receive federally managed species. Currently, there are five federal dealer permits in the Gulf of Mexico and South Atlantic Regions, and the permits and reporting requirements are different depending on the species purchased. Federally-permitted Gulf of Mexico reef fish and South Atlantic

snapper grouper (excluding wreckfish) dealers are required to submit dealer purchase forms once every two weeks via fax or online. South Atlantic golden crab, rock shrimp, and Atlantic dolphin wahoo dealers are required to submit purchase forms once a month via fax or online. The proposed action would require a federal dealer permit to first receive the following additional species: Gulf of Mexico and South Atlantic coastal migratory pelagic resources and spiny lobster, and Gulf of Mexico red drum. The proposed rule would also create a single dealer permit that would allow the holder to first receive any of the species managed under the eight fishery management plans.

The following new dealer reporting requirements would be implemented:

- (1) Purchase forms would be submitted online, once per week, with the exception of dealers reporting purchases of king mackerel landed by the gill net sector for the Gulf West Coast. Florida Southern Sub Zone who would be required to submit forms daily by 6:00 am.
- (2) If no purchase is made, a no-purchase form must be submitted via the same process and frequency as a purchase form.
- (3) A dealer would only be authorized to receive the specified federally managed species if the dealer's previous reports have been submitted and received by NMFS.

The Gulf of Mexico and South Atlantic Councils approved the amendment for review by the Secretary of Commerce in August and September 2012, respectively. The amendment was submitted to NMFS in October 2012 to begin the formal review and approval process. However, in preparing the regulatory package a number of changes were made to clearly describe the current dealer reporting requirements, clarify the number of potential dealers affected and the number that may be subjected to duplicative reporting for a period of time, and elaborate on the impacts if a dealer does not currently own a computer. The South Atlantic Council approved the modification to the amendment and approved it for formal review again at their March 2013 meeting. At the June 2013 meeting, NOAA GC indicated the need for further clarification to the amendment. Hence, the SA Council approved making the necessary revisions to the amendment document and codified text; holding public hearings in the MAFMC and NEFMC areas; providing the amendment to the Gulf Council for approval for formal review at their August meeting; and bringing the amendment back to the South Atlantic Council for formal review at the September 2013 Council meeting. The South Atlantic Council took final action in September 2013.

## **Recently Submitted Amendments**

### *Snapper Grouper Regulatory Amendment 14 (management measures for snapper grouper species)*

Regulatory Amendment 14 proposes actions to: (1) modify the commercial and recreational fishing years for greater amberjack, (2) modify the recreational fishing year for black sea bass; (3) modify the recreational accountability measure for black sea bass; (4) modify the commercial fishing year for black sea bass; (5) change the commercial fishing seasons for vermilion snapper; (6) modify the trip limit for gag; and (7) modify the recreational accountability measure for vermilion snapper.

Public hearings were held in August 2013 and the Council approved this amendment for submission to the Secretary of Commerce at their September 2013 meeting.

## **Amendments Under Development**

### *Snapper Grouper Regulatory Amendment 16*

The amendment includes one action to address the prohibition on the use of black sea bass pots that was implemented through Regulatory Amendment 19 and will become effective on October 23, 2013.

The action includes alternatives to remove the closure, shorten the timeframe, confine spatially to apply only within designated critical right whale habitat, and confine it spatially based on a depth contour. The Council will review the document at the December 2013 meeting and approve for scoping. If approved, scoping will be held via webinar in February 2014.

### *Snapper Grouper Regulatory Amendment 17 (MPAs for speckled hind and warsaw grouper)*

This amendment would consider alternatives for Marine Protected Areas (MPAs) that would help diminish bycatch of speckled hind and warsaw grouper. The Council initially convened a group of experts and held an MPA Expert Workgroup meeting in Pooler, GA in May 2012. The Workgroup comprised scientists with expertise in deepwater groupers and/or MPAs and commercial and recreational fishermen with extensive experience in the South Atlantic. The Workgroup produced a report that was presented to the Council in June 2012 and contained recommendations for both re-orientation of existing deepwater MPAs as well as options for new MPAs. The Council stated their intent to initially only consider re-orientation of some of the existing deepwater MPAs, however, they approved a motion at the December 2012 meeting to consider other areas. The MPA Expert Workgroup was convened again in February 4-6, 2013 in Charleston to provide further advice to the Council.

At the September 2013 meeting the Council revised the Purpose and Need for the amendment and will review the amendment at the December 2013 meeting to approve for scoping in January/February 2014.

### *Snapper Grouper Regulatory Amendment 20 (snowy grouper and mutton snapper)*

The snowy grouper stock assessment was an update and the mutton snapper assessment is being conducted by Florida. The SSC is scheduled to review both assessments in October 2013. Management actions resulting from these two assessments will be included in Regulatory Amendment 20 for the Council to review and consider approving for public hearings in December 2013. If approved, public hearings will be held in January/February 2014. This amendment will be developed according to the snapper grouper framework as modified in Amendment 27 (providing the latter is approved and implemented in time).

### *Snapper Grouper Amendment 22 (recreational tag program)*

Amendment 22 is being developed to closely control annual harvest levels of snapper grouper species with exceptionally low recreational annual catch limits (ACLs). In order to accomplish this, the Council requested that an amendment be developed to create a recreational tag program for these species. Recreational fishery participants would be issued tags through a pre-determined process implemented by NOAA Fisheries Service. Tags issued to individuals or entities would allow the tag holder to harvest a set number of fish from federal waters in the South Atlantic Region. A Notice of Intent (NOI) to prepare a Draft EIS for Amendment 22 was published on January 3, 2011. The NOI listed several options the Council could consider when addressing long-term management for red snapper, including trip limits, bag limits, a catch share program, temporal and spatial closures including those to protect spawning stocks, a tag program, and gear prohibitions. Subsequent to the publication of the 2011 NOI, the amendment has been modified twice; once to apply a recreational harvest tag program to deep water snapper grouper species in addition to red snapper, and again to remove all species-specific options and create a harvest tag program that could be applied to any snapper grouper species

with a very small recreational ACL. Based on these modifications, a supplemental NOI was published in the Federal Register to provide notice to the public of the broadened scope of Amendment 22.

The Council will review a draft of the amendment at their December 2013 meeting and consider approving for public hearings. If approved, public hearings will be held in January/February 2014.

### *Snapper Grouper Amendment 29 (ORCS and ABC Control Rule)*

At the June 2013 Council meeting, the SSC presented to the Council their recommended changes to the ABC Control Rule. In addition, the SSC provided ABC recommendations for “Only Reliable Catch Stocks”. To implement these recommendations, the Council requested development of Amendment 29. A Decision Document/Options Paper was presented to the Council at their September 2013 meeting.

The Council will review a draft of the amendment at their December 2013 meeting and consider approving for public hearings. If approved, public hearings will be held in January/February 2014.

### *Snapper Grouper Amendment 31 (blueline tilefish)*

The stock assessment for blueline tilefish was completed in 2013 and indicates the stock is overfished and undergoing overfishing. The SSC will review the assessment in October 2013 and present their recommendations to the Council at the December 2013 meeting. If a rebuilding plan needs to be established, an EIS will likely be required. Amendment 31 will include actions to adopt new biological benchmarks from the assessment, establish a rebuilding plan, and implement appropriate management measures to end overfishing.

The Council will review a draft document and consider whether to request that NMFS take emergency action at the December 2013 meeting. Public hearings are scheduled for January/February 2014.

### *Comprehensive Ecosystem-Based Amendment 3 (bycatch)*

The action in CE-BA 3 considers improvements in bycatch/discard data collection methods to better quantify all sources of fishing mortality in South Atlantic fisheries. Alternatives consider expanding aspects of the Atlantic Coastal Cooperative Statistics Program’s Release, Discard and Protected Species Module to coastal migratory pelagic (SA Council area only) and dolphin and wahoo fisheries; and also implementing a commercial observer program at 2-5% coverage levels for snapper grouper, coastal migratory pelagic (SA Council area only), dolphin and wahoo, and golden crab vessels.

At their March 2013 meeting, the Council delayed action on CE-BA 3 until a presentation by NOAA General Counsel staff was provided that assesses how the Council is meeting bycatch requirements under the Magnuson Act for SA fisheries. The NOAA General Counsel assessment was scheduled for the September 2013 meeting and is delayed until the December 2013 Council meeting. Accordingly, the Council will revisit discussions regarding CE-BA 3 in December 2013.

### *Comprehensive Allocations and Accountability Measures Amendment*

An Options Paper will be presented to the Council at the December 2013 meeting including options to modify/establish allocations for snapper grouper species, dolphin, and wahoo. The amendment will

also include options to modify accountability measures for snapper grouper species and golden crab. The intent is to make AMs consistent across FMPs. The Council will consider approving for scoping at the December 2013 meeting. If approved, scoping will be held via webinar in February 2014.

### *Joint Commercial Logbook Amendment*

During the December 2012 meeting, the South Atlantic Council approved a motion moving the commercial logbook reporting action out of CE-BA 3 and indicated their wish to work with the Gulf Council on a joint amendment to address commercial logbook issues in the South Atlantic and Gulf of Mexico.

The amendment includes an action to consider modifying the timing of reporting requirements for commercial logbooks in fisheries for snapper grouper, coastal migratory pelagic resources, dolphin/wahoo, and golden crab fisheries, and providing an option for logbooks to be submitted electronically. Currently, logbook reports from commercial fishermen targeting snapper grouper, coastal migratory pelagic, and dolphin/wahoo must be submitted to the Science and Research Director postmarked no later than 7 days after the end of each fishing trip. Logbook reporting forms for golden crab must be submitted to the Science and Research Director postmarked no later than 30 days after sale of the golden crab offloaded from a trip. The amendment also considers requiring that the components of the commercial logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip. This would increase the timeline for snapper grouper, coastal migratory pelagic, and dolphin/wahoo fishermen to complete logbooks, and decrease the timeline for golden crab fishermen. Commercial electronic logbooks, as proposed in this amendment, would not be used to monitor annual catch limits; however, they could serve as a means to verify dealer reports and comply with the Atlantic Coastal Cooperative Statistics Program standards that require two sources for verification of quota-monitored species. It is the Council's intent that NMFS use the commercial logbook landings, with the new timing and compliance requirements specified in this amendment, to compare with commercial trip ticket landings to help ensure the commercial ACLs are not exceeded.

At their June 2013 meeting, the Council approved scheduling a NMFS SEFSC presentation on the details of the commercial electronic logbook pilot study at the September 2013 meeting. SA Council staff will work with Gulf staff and NMFS staff to plan for completion of the amendment incorporating results from year 1 of the pilot study and target regulations being effective on January 1, 2016.