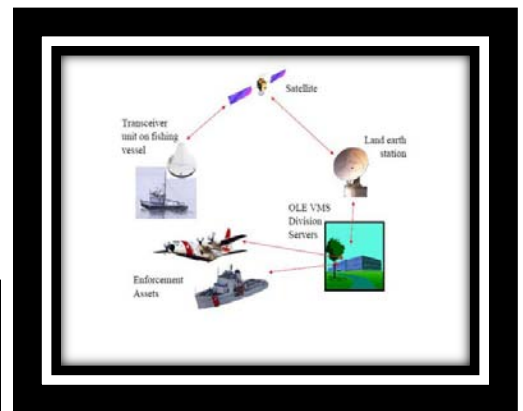
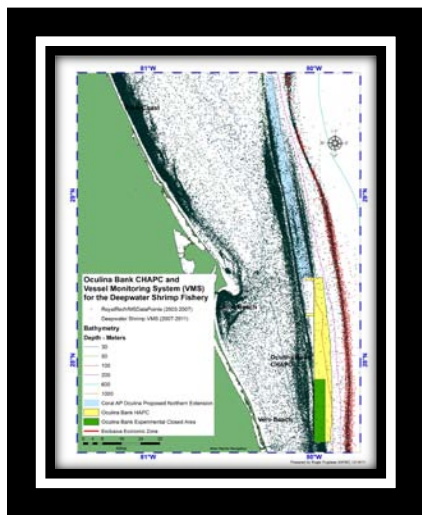


# DECISION DOCUMENT

## for AMENDMENT 30 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region



St. Simons Island, GA  
March 2013

## 1.1 What Action Is Being Proposed?

Fishery managers are proposing changes to regulations where commercial vessels harvesting snapper grouper species would be required to have a vessel monitoring system (VMS) onboard when fishing.

## 1.2 What is VMS?

VMS is a satellite communications system used to monitor fishing activities; for example, VMS may be used to ensure that vessels stay out of prohibited areas. The system is based on electronic devices (transceivers), which are installed onboard vessels. These devices automatically send data to a shore-based “satellite” monitoring system.

## 1.3 Who is Proposing the Actions?

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing the actions. The South Atlantic Council recommends management measures and submits them to the National Marine Fisheries Service (NMFS) who ultimately approves, disapproves, or partially approves, and implements the actions in the amendment through the development of regulations on behalf of the Secretary of Commerce. NMFS is an agency in the National Oceanic and Atmospheric Administration within the Department of Commerce.

## 1.4 Where is the Project Located?

Management of the federal snapper grouper fishery located off the southeastern United States (South Atlantic) in the 3-200 nautical miles U.S. Exclusive Economic Zone is conducted under the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP, SAFMC 1983).

## 1.5 Why is the South Atlantic Council Considering Action?

The South Atlantic Council is considering requiring VMS on commercial vessels harvesting snapper grouper species in order to improve the following aspects of snapper grouper stocks: enforcement, science, and management (*see text box*). VMS also will result in other benefits as discussed in the following sections.

Note: The purpose and need below is recommended by IPT for Council’s consideration:

### **Committee Actions**

Option 1. Accept the purpose and need recommended by the IPT.

Option 2. Modify the purpose and need and approve.

Option 3. Others??

## **Purpose for Action**

Require commercial vessels harvesting snapper grouper stocks in the South Atlantic be equipped with a satellite communications (vessel monitoring system (VMS)) to monitor fishing activities.

## **Need for Action**

Improve the following aspects of snapper grouper stocks.

1. *Enforcement.* There is a need to reduce illegal fishing activity and improve enforceability of regulations. Increased enforceability of area restrictions is needed to prevent excessive fishing pressure in protected areas that contain snapper grouper populations and habitat that supports these populations. There is also a need to more accurately track and monitor locations where vessels will land fish, specify harvest composition (e.g., harvest amounts, species), and identify gear possessed onboard.
2. *Science.* There is a need to have a better understanding of snapper grouper populations by providing specific information on locations where fish are caught, and species composition of retained and discarded fish.
3. *Management.* There is a need to improve management efforts by providing fishery managers information that will help them implement regulations with greater biological protection to snapper grouper stocks, and reduced socio-economic effects to fishermen and fishing communities.

### **1.6 How Would VMS Improve Enforceability?**

Amendment 5 to the FMP for the Shrimp Fishery of the South Atlantic Region (SAFMC 2002) required the use of VMS technology for South Atlantic permitted rock shrimp vessels. The South Atlantic Council concluded that rock shrimp vessels carrying an approved VMS unit would improve compliance and allow the rock shrimp industry to demonstrate they are not fishing within any closed areas, specifically the Oculina Bank Coral Habitat Area of Particular Concern.

Increasing use of placed-based management such as marine protected areas (MPAs) are much more effective with VMS to ensure vessels do not fish within these areas.

### **1.7 How Would VMS Improve Science and Data Collection?**

Knowing where fishing gear is being deployed would help scientists and managers understand how fishing pressure is distributed across the bottom habitat. This information could be used in stock assessments and would be helpful in documenting impacts of regulations that

may close fishing in certain areas (e.g., MPAs are under consideration in Regulatory Amendment 17 to the Snapper Grouper FMP).

## 1.8 How Would the Management and the Regulations Work?

The Snapper Grouper FMP contains several area-specific regulations where fishing is restricted or prohibited in order to protect habitat or spawning aggregations, or to reduce fishing pressure in areas. Unlike size, bag and trip limits, where the catch can be monitored onshore when a vessel returns to port, area restrictions require at-sea enforcement. However, at-sea enforcement of offshore area restrictions is difficult due to the distance from shore and limited number of patrol vessels. Thus, there is a need to improve enforceability of area fishing restrictions through remote sensing methods such as VMS. VMS would improve enforceability of area restrictions in order to prevent excessive fishing pressure in stressed areas or on spawning aggregations of reef fish, and to enhance the ability of enforcement agencies to detect and prevent the use of fishing gear in areas where that gear is restricted because it could potentially damage sensitive habitat. There is also a need to more accurately track and monitor locations where vessels will land fish, specify harvest composition (e.g., harvest amounts, species), and identify gear possessed onboard.

## ACTION AND ALTERNATIVES

### 2.1 Alternatives to Amend the Snapper Grouper Fishery Management Plan to require all commercial snapper grouper fishing vessels to be equipped with VMS

**Alternative 1 (no action).** Currently snapper grouper vessels are not required to be equipped with vessel monitoring systems (VMS).

**Alternative 2.** Require all commercial snapper grouper fishing vessels with a Federal unlimited or trip-limited permit to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the *Federal Register*. Purchase of VMS equipment will be reimbursed by the NOAA Office of Law Enforcement from the VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.

Note: It is the Council's intent that, under Alternative 2, VMS is required whether or not funding is available.

**Alternative 3 (Preferred).** Only if funding for VMS equipment reimbursement is available from the VMS reimbursement account, require all commercial snapper grouper fishing vessels with a Federal unlimited or trip-limited permit to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the *Federal Register*. Purchase of VMS equipment will be reimbursed by the NOAA

Office of Law Enforcement from the VMS reimbursement account. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.

Note: Gulf of Mexico VMS regulations are included as Appendix I. Is it the Council's intent that the same regulations would apply in the SAFMC EEZ?

### **Committee Actions**

Option 1. It is the Council's intent that the same regulations in the Gulf of Mexico EEZ for VMS would apply in the South Atlantic EEZ.

Option 2. It is the Council's intent that the same regulations in the Gulf of Mexico EEZ for VMS would apply in the South Atlantic EEZ with the addition of the requirement for permit renewal.

Option 3. Others??

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### **IPT Recommended Changes to Wording of Alternatives**

The IPT recommends the phrase "(including replacement of unit)" be added to the last sentence of alternatives 2 and 3 after the word "maintenance".

The IPT recommends the clarification in Alternatives 2 and 3 that, for VMS units purchased on or after February 1, 2008, the maximum reimbursement amount for all fisheries is \$3,100 per VMS unit according to NMFS guidance.

The IPT recommends the addition of the following phrase after the last sentence of Alternatives 2 and 3: "All approved units must be installed by a qualified marine technician and activated with NMFS no later than **X** amount of days following the publication of the final rule." The Council would need to specify the number of days following input from NMFS.

The IPT recommends the following sentence be added to Alternatives 2 and 3: "An application for renewal or transfer of a commercial vessel permit for South Atlantic snapper grouper will not be considered complete until proof of purchase, installation, activation, and operational status of an approved vessel monitoring system for the vessel receiving the permit has been verified by National Marine Fisheries Service vessel monitoring system personnel."

The revised wording for Alternatives 2 and 3 would be as follows:

**Alternative 2.** Require all commercial snapper grouper fishing vessels with a federal unlimited or trip-limited permit to be equipped with vessel monitoring systems. The purchase, installation, and maintenance of vessel monitoring system equipment must conform to the protocol established by National Marine Fisheries Service in the *Federal Register*. Purchase of VMS equipment will be reimbursed by the NOAA Office of Law Enforcement from the vessel monitoring system reimbursement account if funding is available. For vessel monitoring system units purchased on or after February 1, 2008, the maximum reimbursement amount for all fisheries is \$3,100 per vessel monitoring system unit. Installation, maintenance (including replacement of unit), and communication costs will be paid for or arranged by the permit holder. All approved units must be installed by a qualified marine technician and activated with National Marine Fisheries Service no later than X amount of days following the publication of the final rule. An application for renewal or transfer of a commercial vessel permit for South Atlantic snapper grouper will not be considered complete until proof of purchase, installation, activation, and operational status of an approved vessel monitoring system for the vessel receiving the permit has been verified by National Marine Fisheries Service vessel monitoring system personnel

**Alternative 3 (Preferred).** Only if funding for vessel monitoring system equipment reimbursement is available from the vessel monitoring system reimbursement account, require all commercial snapper grouper fishing vessels with a federal unlimited or trip-limited permit to be equipped with vessel monitoring system. The purchase, installation, and maintenance of vessel monitoring system equipment must conform to the protocol established by National Marine Fisheries Service in the *Federal Register*. Purchase of vessel monitoring system equipment will be reimbursed by the NOAA Office of Law Enforcement from the vessel monitoring system reimbursement account. For vessel monitoring system units purchased on or after February 1, 2008, the maximum reimbursement amount for all fisheries is \$3,100 per vessel monitoring system unit. Installation, maintenance (including replacement of unit), and communication costs will be paid for or arranged by the permit holder. All approved units must be installed by a qualified marine technician and activated with the National Marine Fisheries Service no later than X amount of days following the publication of the final rule. An application for renewal or transfer of a commercial vessel permit for South Atlantic snapper grouper will not be considered complete until proof of purchase, installation, activation, and operational status of an approved vessel monitoring system for the vessel receiving the permit has been verified by National Marine Fisheries Service vessel monitoring system personnel

### **Committee Actions**

Option 1. Adopt the revised wording for Alternatives 2 and 3 as suggested by the IPT.

Option 2. Modify the wording suggested by the IPT and adopt.

Option 3. Others??

## **IPT Recommendations for the Council to Discuss**

The IPT recommends the Council discuss, at their March 2013 meeting, **whether the following are reasonable alternatives and whether they should be added to the document for detailed analysis or to the considered but rejected appendix** with rationale for why they are unreasonable alternatives:

Note: NMFS LE to check if VMS “reimbursement account” should be changed to “electronic monitoring fund”.

### **Add the following sub-alternatives to Alternatives 2 and 3:**

- (1) Sub-alternatives 2a and 3a: VMS requirement only applies to **federal trip-limit permit holders** and Sub-alternatives 2b and 3b: VMS requirement only applies to **federal unlimited permit holders**.

## **Committee Actions**

Option 1. Add Sub-alternatives 2a & 3a and 2b & 3b.

Option 2. Move Sub-alternatives 2a & 3a and 2b & 3b to considered but rejected appendix.

Option 3. Others??

### Pros

- A lot of the 225 lb trip-limit permit holders don't fish as much for SG species and the cost of having VMS will hit them harder in terms of the proportion of return compared to cost.

### Cons

- As SG2 permits go away as permit holders exit the fishery, VMS requirement goes away too.
- Equity issues if only one permit type has the requirement.
- Not requiring the majority of permit holders (2a/3a) would pretty much forfeit any benefits from improved enforcement, etc.
- If VMS is not required for all participants in the fishery, the validity of the data for anything is greatly reduced. It would be suspect for stock assessments.
- LE would find their jobs more difficult without it. They would probably want it in all or none of the vessels.
- Fishery managers would lose valuable data that could perhaps help the management of all species. I believe the great majority of SG permit holders also have permits in other fisheries. If VMS were required all the time on vessels with a SG permit, there would be better data collection for many fisheries.

### Number of Permits

Information on other permits held (based on 681 SG1 and SG2 permit holders as of Dec 1, 2012):

- Only 48 have no other permit associated with the vessel; 633 (~93%) have at least one other permit associated with the vessel.
- 400 have a king mackerel commercial permit (the only other limited entry commercial permit for South Atlantic finfish)
- for the South Atlantic commercial permit portfolio (DW, SM, KM, and SG), 296 have all four permits; 479 have at least snapper grouper plus two others.
- 160 have at least one South Atlantic Charter permit (DW, SG, CMP).

**Add the following sub-alternative to Alternatives 2 and 3:**

- (2) Sub-alternative 2c and 3c: VMS requirement only applies to those **federal snapper grouper permit holders when they are commercially fishing for and/or possessing snapper grouper species**. (For example, someone who has not landed snapper grouper species for an extended period would not incur the economic costs from installation, maintenance (including replacement of unit), and communication of a VMS unit. However, they would have to purchase and install the VMS unit prior to fishing for and/or possessing snapper grouper species.). If these are added for detailed analysis, the Council should also discuss whether to add options that would apply for federal trip-limited permit holder, federal unlimited permit holders, or both.

**Committee Actions**

Option 1. Add Sub-alternatives 2c and 3c.

Option 2. Move Sub-alternatives 2c and 3c to considered but rejected appendix.

Option 3. Others??

Pros

- Possibly this would reduce negative impacts from costs and address concerns from fishermen about 24/7 monitoring.
- VMS would be targeted only to the SG fishery (if that can be considered a “pro”).

Cons

- This would be difficult to manage in many ways. For permit renewal, they would need to check if vessel is VMS compliant. If this were made conditional, that would impose a complication in the permit process.
- Enforcement would be difficult if not all trips required VMS since then how would you know/presume the activity when on the water.
- May be difficult to enforce.
- What if the fisherman did not intend to catch any SG species, but did as bycatch. Would he then have to switch the unit on? That would be confusing to LE and make the data less valid for any other use.
- Fishery managers would lose valuable data that could perhaps help the management of all species. I believe the great majority of SG permit holders also have permits in other fisheries. If VMS were required all the time on vessels with a SG permit, there would be better data collection for many fisheries.



**Add the following sub-alternative to Alternatives 2 and 3:**

- (3) Sub-alternative 2d and 3d: VMS requirement only for those **federal snapper grouper permit holders who have landed X amount of species in the snapper grouper fishery management unit annually.** (Council would need to specify the amount of species). NMFS would re-evaluate the permit holder's annual landings each year to determine whether a permit holder has crossed the landings threshold and would be required to have their vessel equipped with VMS. If these are added for detailed analysis, the Council should also discuss whether to add options that would apply for federal trip-limited permit holder, federal unlimited permit holders, or both.

**Committee Actions**

Option 1. Add Sub-alternatives 2d and 3d.

Option 2. Move Sub-alternatives 2d and 3d to considered but rejected appendix.

Option 3. Others??

Pros

- Probably reduce negative impacts on smaller businesses

Cons

- Enforcement and permit compliance
- Equity concerns; complicated and probably substantial administrative burden, and time that the Council could spend on other things
- In terms of data collection, by sub-setting your fleet for VMS selection, the representativeness of your samples may be skewed.
- This is really a bad idea. This sounds like a bureaucratic nightmare. You might be able to figure it out in the beginning whether someone needed VMS, but what if the fisherman's behavior changed. For example, what if he did not catch X species at the time of VMS, but did later? When would he be required to get VMS? Who would make the determination?

**Add the following new Alternatives:**

- (4) Alternatives that would require all **for-hire fishing vessels** with a federal permit to be equipped with VMS.

**Committee Actions**

Option 1. Add a new alternative to require all for-hire fishing vessels be equipped with VMS.

Option 2. Move alternative requiring for-hire fishing vessels be equipped with VMS to considered but rejected appendix.

Option 3. Others??

Pros

- Creates a potential barrier to entry because it is an open access permit. Enhanced client safety?
- Great for data collection.

Cons

- Scope of amendment and ability to reimburse from fund.
- Creates a potential barrier to entry because it's an open access permit
- Lousy idea for fishermen who do not participate full time in federal fisheries.

**Add the following new Alternatives:**

- (5) Alternatives that would require **all headboat vessels** with a federal permit to be equipped with VMS.

**Committee Actions**

Option 1. Add a new alternative to require all headboat fishing vessels be equipped with VMS.

Option 2. Move alternative requiring headboat fishing vessels be equipped with VMS to considered but rejected appendix.

Option 3. Others??

Pros

- Creates a potential barrier to entry because it is an open access permit. Client safety.
- Same pros of requiring VMS on all commercial SG permit holders.

Cons

- Creates a potential barrier to entry because it's an open access permit
- Equity concerns
- Added costs to another struggling industry.

**Add the following new Alternatives:**

- (6) Alternatives that would **require the owner of vessels with a federal permit pay for all costs to be equipped with VMS.**

**Committee Actions**

Option 1. Add a new alternative to require vessel owners with a federal permit to pay for all VMS costs.

Option 2. Move alternative requiring vessel owners with a federal permit to pay for all VMS costs to considered but rejected appendix.

Option 3. Others??

Pros

- Save money in the VMS account

Cons

- You think you have resistance to VMS now. It will only increase if the fishermen will be required to foot the bill for the entire program.
- Shifts costs to fishermen

**Expected Schedule**

1. March 4-8, 2013 – Council reviews action and alternatives; approve for public hearings.
2. **NMFS Conducts DEIS Review – March through June 2013**
3. April 8-11, 2013 – SSC review
4. April 23-25, 2013 – Snapper Grouper AP review
5. April/May 2013 – Public hearings
6. June 10-14, 2013 – Council reviews public hearing comments, written comments, DEIS comments, and approve for formal review
7. July 2013 – Council sends document for review and implementation
8. January 2014 – regulations effective

**Committee Actions**

Option 1. Approve Amendment 30 for public hearings and DEIS review.

Option 2. Do not proceed with Amendment 30.

Option 3. Others??