

Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Options Paper (revised 10/10/13)



October 2013

Background

Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (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 South Atlantic Fishery Management Council (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 Environmental Impact Statement for Amendment 22 was published on January 3, 2011, [76 FR 101]. 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 is being published in the *Federal Register* to provide notice to the public of the broadened scope of Amendment 22.

Possible Actions in Amendment 22

- Action 1.** Establish a recreational harvest tag program framework that can be applied to any South Atlantic snapper grouper species with a low recreational ACL.
- Action 2.** Establish eligibility criteria for individual/entities to participate in the harvest tag program.
- Action 3.** Establish an annual harvest tag issuance process for snapper grouper species included in the recreational tag program.
- Action 4.** Cost recovery plan.

Proposed Timeline

- Council provided guidance at September 2013 meeting
- SSC to review document at their October 2013 meeting
- Council chooses preferreds for all actions and approves for public hearings at December 2013 meeting
- Hold public hearings in Jan/Feb 2014
- Council review public input at March 2014 meeting
- Approve for submission in March or June 2014
- Regulations implemented in late 2014

Purpose and Need

The *purpose* of Amendment 22 is to create a recreational tag program for the South Atlantic region that could be applied to any snapper grouper species with a small ACL as determined by the SAFMC and the Regional Administrator (RA).

The *need* for action in Amendment 22 is to achieve OY without overfishing the resource. Such a program is intended to maintain harvest at or below the recreational ACLs. A tag program for species with small ACLs would constrain the harvest to sustainable levels ensuring fairness and equitability.

Considerations for Developing Actions and Alternatives

The proposed actions and alternatives should be developed to meet the purpose and need. Each action would contain a range of alternatives, including the no action (the current regulations).

I. Possible Recreational Harvest Tag Program Characteristics:

Below is a list of tag program elements that have been discussed by the Council and the SSC's SEP. The Council chose not to consider the strike-through items.

- Any U.S. Citizen may apply for a tag
- NOAA Fisheries would be responsible for administering the tag program. *HOWEVER*, the Council's guidance in September 2013 was to convene Council staff, SERO staff, and state representatives to discuss details of the program, mainly administration.
- Tags would be non-removable, 1-time use tags (i.e., affixed to jaw) that would be issued once per fishing year.
- ~~Tags would be transferable (per Socio-Economic Panel of SSC)~~
- ~~The lottery and tag transfer market should be electronic.~~
- Tags would be valid for a single season.
- ~~Options for voluntary and required reporting options should be included in the amendment. (Data to be collected would include: date of landing, tag number, permit/license number, vessel name and number, other species targeted on the trip, discard information...)~~
- Administrative cost would be recovered through a fee to pay for the program (estimate will be included in rule-making).
- Tags would be issued through a lottery with replacement (if a fisherman receives a tag in a given year, the recipient should be allowed to participate in the lottery in the next year, and one lottery participant would not be able to receive multiple tags while others receive none).
- Lottery entrants would need to own a recreational fishing license/permit appropriate for the fishing destination at the time of application for the tag.
- If the number of tags is equal to or more than the number of lottery participants, each participant should receive the same number of tags with any remaining tags being allocated to participants via lottery.

II. Recreational Harvest Tag Program Overview and Objectives

The objective of the recreational harvest tag program would be to closely control recreational harvest of snapper grouper species with low ACLs that are traditionally difficult to track in-season.

If Implemented, How Would the Harvest Tag Program Work?

- 1) The Council would determine which species would be included in the tag program.
- 2) An amendment would be developed to add the species chosen by the Council to the program.
- 3) If implemented, the recreational fishing community would be notified of the addition of a species to the harvest tag program with enough notice to allow potential entrants in the lottery to meet the lottery entry prerequisites.
- 4) The lottery would open at a predetermined date and time and would remain open for a set period of time.
- 5) Individuals or entities interested in obtaining a recreational harvest tag for a certain species would enter the lottery and would be notified of whether or not they have won a tag by either receiving a tag in the mail or receiving a letter/e-mail notifying them they did not win a tag.
- 6) When the fishing season opens, individuals or entities with tags may harvest one fish per tag and must affix the tag to the fish immediately upon harvest.

III. Example Species with Low Recreational ACLs

Snowy grouper: The recreational ACL is 523 fish and harvest is limited to one per vessel per day. The current recreational accountability measure is: If recreational landings, as estimated by the SRD, exceed the recreational ACL of 523 fish, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. Recreational landings will be evaluated relative to the ACL as follows: For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL. The recreational ACL was exceeded in 2012 by 395%. Estimated landings were 2,065 fish.

Golden Tilefish: The recreational ACL is 3,019 fish and harvest is limited to one per vessel per day. The current recreational accountability measure is: If recreational landings for golden tilefish, as estimated by the SRD, meet or are projected to meet the recreational ACL of 3,019 fish, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of

the fishing year. If recreational landings for golden tilefish, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

In 2011, the recreational ACL for golden tilefish was 1,578 fish. Estimated landings for 2011 were 9,863 (625% overage). The recreational ACL was increased in 2012 to 3,019 fish. Estimated landings in 2012 were 3,627 (120% overage).

Wreckfish: The recreational ACL is 11,750 pounds whole weight (ww) and harvest is limited to one per vessel per day. Harvest is allowed annually during July and August. The current recreational accountability measure is: If recreational landings for wreckfish, as estimated by the SRD, exceed the recreational ACL of 11,750 pounds ww, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary. In 2012, estimated wreckfish recreational landings were 964 pounds ww; 8% of the recreational ACL.

VI. Possible Actions and Alternatives

Action 1. Establish a recreational harvest tag program framework that can be applied to any South Atlantic snapper grouper species with a low recreational ACL.

Alternative 1 (No Action). Do not develop a recreational harvest tag program framework for snapper grouper species with very small ACLs and maintain the current system of ACLs and AMs for these species.

Alternative 2. Establish a recreational harvest tag program for the recreational sector.

Action 2. Establish eligibility criteria for individual/entities to participate in the recreational harvest tag program.

Alternative 1 (No Action). Do not establish eligibility criteria for individuals or entities who wish to obtain recreational harvest tags for snapper grouper species. Anyone could apply to receive a tag.

Alternative 2. To be eligible to receive a recreational harvest tag the applicant must be a U.S. Citizen or permanent resident alien, own a valid recreational fishing license from the state in which they will be fishing if granted a harvest tag, or have a valid/renewable Charter/Headboat for Snapper Grouper permit (if the Council chooses Alternative 3 under Action 1). [this option would prohibit foreign vacationers from getting tags.]

Alternative 3. To be eligible to receive a recreational harvest tag the applicant must own a valid recreational fishing license from the state in which they will be fishing if granted a harvest tag, or have a valid/renewable Charter/Headboat for Snapper Grouper permit (if the Council chooses Alternative 3 under Action 1). [this option would address the issue of Canadian and other non-citizens not being able to get tags].

Alternative 4. To be eligible to receive a recreational harvest tag the applicant must be a U.S. Citizen or permanent resident alien.

Action 3. Establish an annual harvest tag issuance process for snapper grouper species included in the recreational harvest tag program.

Alternative 1 (No Action). Do not establish a harvest tag issuance process for the tag program established under Action 1.

Alternative 2. Tags would be issued via an electronic web-based lottery program.

Alternative 3. Tags would be issued primarily through an electronic web-based lottery with a secondary option to enter the lottery through a mail-in or call in system

Action 4. Cost recovery plan.

Alternative 1 (No Action). Do not implement a cost recovery plan for the recreational harvest tag program. Collection of such fees is necessary to recover cost for enforcement and program administration including data collection, management, and distribution.

Alternative 2. All cost recovery fees would be the responsibility of the recreational harvest tag lottery entrant. Fees would be assessed at the time of entering the lottery.

Alternative 3. All cost recovery fees would be the responsibility of the recreational harvest tag lottery entrant. Fees would be assessed prior to issuance of the harvest tag.