

# DECISION DOCUMENT

for

**Amendment 34 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region, Amendment 9 to the Fishery Management Plan for the Golden Crab of the South Atlantic Region, and Amendment 8 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic**



June 2014

## Why is the South Atlantic Council Taking Action?

With the reauthorization of the Magnuson Stevens Act in 2007 (NMFS 2007), the South Atlantic Fishery Management Council (SAFMC) was required to develop accountability measures for all of the species it manages that have annual catch limits. Recent plan amendments modified the criteria by which accountability measures would be implemented for a number of species such as king and Spanish mackerel, dolphin and wahoo (GMFMC/SAFMC 2011; SAFMC 2013). The SAFMC is now considering modifying the accountability measure triggering criteria for snapper grouper species and golden crab. Adjusting the accountability measure criteria in this amendment will help to bring consistency across species managed by the SAFMC.

The SAFMC's Dolphin Wahoo Advisory Panel requested the SAFMC reconsider how it allocates dolphin between the recreational and commercial sectors. This action was originally considered in Dolphin Wahoo Amendment 5 (SAFMC 2013), but the SAFMC removed it for reconsideration at a later date.

The Council is considering the following actions in these Amendments:

- Define the stock status criteria required for implementing accountability measures for snapper grouper species and golden crab
- Allocation of dolphin between recreational and commercial sectors

## PURPOSE FOR ACTIONS

The purpose for these ~~several~~ three amendments ~~actions~~ is to modify the accountability measures for ~~several~~ snapper grouper species (black grouper, mutton snapper, yellowtail snapper, unassessed snapper grouper species, greater amberjack, red porgy, gag, golden tilefish, red grouper, red snapper, snowy grouper, and wreckfish), and golden crab, and adjust sector allocations for dolphin.

## NEED FOR ACTIONS

~~The need for Snapper Grouper Amendment 34, Golden Crab Amendment 9, and Dolphin Wahoo Amendment 8 is to base conservation and management measures upon the best scientific information available, and to prevent unnecessary negative socio-economic impacts that may otherwise be realized in these fisheries and fishing communities, and ensure overfishing does not occur in accordance with the provisions set forth in the Magnuson-Stevens Act.~~

The need for Amendment 34 to the Snapper Grouper FMP and Amendment 9 to the Golden Crab FMP is to create a consistent regulatory environment while preventing unnecessary negative socio-economic impacts, and ensure overfishing does not occur in accordance with the provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act. The need for Amendment 8 to the Dolphin Wahoo FMP is to base sector allocations on the best scientific information available, and use the most appropriate allocation method to determine sector allocations.

### **Committee Action:**

The Committee should review the Purpose and Need for Action above and make sure they reflect the Council's intent and the requirements to develop a specific purpose and need.

### **REQUIRED COMMITTEE ACTION:**

Option 1: Modify purpose and need

Option 2: Do not modify purpose and need

Option 3. Others??

## Action 1. Revise accountability measures (AMs).

**Alternative 1 (No Action).** Retain the current commercial and recreational AMs, if applicable, for black grouper, mutton snapper, yellowtail snapper, unassessed snapper grouper species, greater amberjack, red porgy, gag, golden tilefish, red grouper, red snapper, snowy grouper, wreckfish, and golden crab. A list of the current AMs in place for all species affected by this action is included under the “Discussion” heading below.

**Alternative 2.** If commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial ACL, the Regional Administrator shall publish a notice to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper, dolphin wahoo, or golden crab has been issued as appropriate, without regard to where such species were harvested, *i.e.*, in state or Federal waters. Additionally,

**Sub-alternative 2a.** If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished.

**Sub-alternative 2b.** If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the total ACL (commercial ACL and recreational ACL) is exceeded.

**Sub-alternative 2c.** If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

**Alternative 3.** If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings.

**Sub-alternative 3a.** If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

**Sub-alternative 3b.** If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

**Sub-alternative 3c.** If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total

ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

**Alternative 4.** If recreational landings reach or are projected to reach the recreational annual catch limit, National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

**Sub-alternative 4a.** If the species is overfished.

**Sub-alternative 4b.** Regardless of stock status.

### Discussion

The current AMs for the species addressed in this amendment appear below:

#### **Black grouper, mutton snapper, yellowtail snapper, greater amberjack, red porgy, unassessed snapper grouper species**

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the commercial ACL, the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the South Atlantic exclusive economic zone (EEZ) is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. If commercial landings exceed the ACL, and the species is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the Assistant Administrator will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year.

Recreational: If recreational landings, as estimated by the Science and Research Director, 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 Assistant Administrator 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 Regional Administrator determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

#### **Gag**

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the quota specified in § 622.190(a)(7), the Assistant Administrator

will file a notification with the Office of the Federal Register to close the commercial sector for gag for the remainder of the fishing year.

Recreational: If recreational landings, as estimated by the Science and Research Director, reach or are projected to reach the recreational ACL, and gag are overfished, the Assistant Administrator will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. Without regard to overfished status, if recreational landings exceed the ACL, the Assistant Administrator will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the ACL for that fishing year by the amount of the overage. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of three most recent years of landings.

### **Golden tilefish**

Commercial: (i) Hook-and-line component. If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(2)(ii), the Assistant Administrator will file a notification with the Office of the Federal Register to close the hook-and-line component of the commercial sector for the remainder of the fishing year. (ii) Longline component. If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(2)(iii), the Assistant Administrator will file a notification with the Office of the Federal Register to close the longline component of the commercial sector for the remainder of the fishing year. After the commercial ACL for the longline component is reached or projected to be reached, golden tilefish may not be fished for or possessed by a vessel with a golden tilefish longline endorsement.

Recreational: If recreational landings for golden tilefish, as estimated by the Science and Research Director, reach or are projected to reach the recreational ACL of 3,019 fish, the Assistant Administrator 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 Science and Research Director, 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 Assistant Administrator 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.

### **Red grouper**

Commercial: If commercial landings for red grouper, as estimated by the Science and Research Director, reach or are projected to reach the applicable ACL in paragraph (d)(1)(iii) of this section, the Assistant Administrator will file a notification with the Office of the Federal

Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red grouper is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters. If commercial landings exceed the ACL, the Assistant Administrator will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year.

Recreational: If recreational landings for red grouper, as estimated by the Science and Research Director, are projected to reach the applicable ACL in paragraph (d)(2)(iii) of this section, the Assistant Administrator will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit is zero. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, i.e. in state or Federal waters. If recreational landings for red grouper, as estimated by the Science and Research Director, exceed the applicable ACL, the Assistant Administrator will file a notification with the Office of the Federal Register, to reduce the recreational ACL the following fishing year by the amount of the overage in the prior fishing.

## **Red snapper**

Commercial: In-season closure.

Recreational: In-season closure.

## **Snowy grouper**

Commercial: If commercial landings, as estimated by the Science and Research Director, reach or are projected to reach the quota specified in § 622.190(a)(1), the Assistant Administrator will file a notification with the Office of the Federal Register to close the commercial sector for snowy grouper for the remainder of the fishing year.

Recreational: If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL of 523 fish, the Assistant Administrator 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. When NMFS reduces the length of the following recreational fishing season, the following closure provisions apply: the bag and possession limit for snowy grouper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, without regard to where such species were harvested, i.e., in

state or Federal waters. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

## **Wreckfish**

Commercial: The individual transferable quota program for wreckfish in the South Atlantic serves as the accountability measures for commercial wreckfish. The commercial ACL for wreckfish is equal to the commercial quota specified in § 622.190(b).

Recreational: If recreational landings for wreckfish, as estimated by the Science and Research Director, exceed the recreational ACL of 11,750 lb (5,330 kg), round weight, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the Assistant Administrator 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 Regional Administrator determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

## **Golden crab**

Commercial: If commercial landings for golden crab, as estimated by the Science and Research Director, reach or are projected to reach the ACL of 2 million lb (907,185 kg), round weight, the Assistant Administrator will file a notification with the Office of the Federal Register to close the golden crab fishery for the remainder of the fishing year. On and after the effective date of such a notification, all harvest, possession, sale or purchase of golden crab in or from the South Atlantic EEZ is prohibited. If commercial landings exceed the ACL, and golden crab are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the Assistant Administrator will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year.

Recreational: There is no recreational component to the golden crab fishery.

This action would update AMs for most snapper grouper species in the fishery management unit including black grouper, mutton snapper, yellowtail snapper, unassessed snapper grouper species, greater amberjack, red porgy, gag, golden tilefish, red grouper, red snapper, snowy grouper, wreckfish, and golden crab. **Table 4.1.1.1** lists the unassessed species affected by this action. However, vermilion snapper, gray triggerfish, black sea bass, and blueline tilefish are not addressed under this action because AMs for those species are being modified in other amendments. In addition, ecosystem component species are not included in the action because AMs and ACLs are not required. **Table 2.1** lists the species not affected by this action, and the Snapper Grouper FMP or regulatory amendments that would modify their AMs.

**Table 1 Species not included under Action 1 and reason they are not included in the action.**

Species	Amendment
Vermilion snapper	Regulatory Amendment 14 to the Snapper Grouper FMP
Gray triggerfish	Amendment 29 to the Snapper Grouper FMP
Black sea bass	Regulatory Amendment 14 to the Snapper Grouper FMP
Blueline tilefish	Amendment 32 to the Snapper Grouper FMP
Cottonwick	Ecosystem component species
Longspine porgy	Ecosystem component species
Bank sea bass	Ecosystem component species
Rock sea bass	Ecosystem component species
Ocean triggerfish	Ecosystem component species
Schoolmaster	Ecosystem component species

**Committee Action:**

The NEPA Coordinator for the amendment has suggested that the listing of the current AMs in place for the species affected by the action be put in a discussion at the end of the alternatives to make it easier to follow the alternatives laid out. To that end, the Committee needs to consider the additional language added to **Alternative 1 (No Action)** and whether the Committee approves of this new layout for **Action 1** alternatives.

The Committee needs to clarify its intent for wreckfish. Typically, an ITQ program is the AM for sectors where there is an ITQ in place.

The Committee needs to review the action and alternatives, make modifications as necessary, provide direction to staff for further development.

The Committee could choose preferred alternatives for this action. **Sub-alternatives 2c and 3c** are what is in place or under review for dolphin, wahoo, king and Spanish mackerel.

<b>Snapper Grouper AP Comments</b>
The SG AP recommends the Council select <b>Alternatives 2c, 3c, and 4b</b> as preferred alternatives.
<b>Golden Crab AP Comments</b>
The GC AP recommends the Council select either <b>Alternative 2a</b> or <b>Alternative 2c</b> as preferred alternatives. As far as golden crab is concerned, both alternatives are functionally equivalent as there is no recreational sector for the golden crab fishery.
<b>SSC/SEP Comments</b>
The SSC/SEP had no comment on the issue of accountability, other than to agree that accountability is important for these additional species.

**REQUIRED COMMITTEE ACTION:**

- Option 1: Modify action and alternatives
- Option 2: Select preferred alternative(s)
- Option 3: Remove action from consideration
- Option 4. Others??



## Action 2. Revise the sector allocations for dolphin.

**Alternative 1. No Action.** The recreational sector allocation for dolphin is 92.46%. The commercial sector allocation for dolphin is 7.54%. The sector allocations for dolphin were set in the Comprehensive ACL Amendment (SAFMC 2011) and updated in Dolphin Wahoo Amendment 5 (SAFMC 2013) using the sector allocation rule where 50% of sector allocations are based on a longer term landings series (1999 – 2008) and 50% of the sector allocations are based on a shorter time series (2006-2008).

**Alternative 2.** Establish the sector allocations for dolphin that were in place prior to the Comprehensive ACL Amendment making the “soft cap” allocations the sector allocations. The recreational sector allocation for dolphin is 87%, and commercial sector allocation is 13%.

**Alternative 3.** Set the commercial allocation at its highest percentage of the total catch over the past 5 years (2008-2012). The recreational sector allocation for dolphin is 86%, and commercial sector allocation is 14%.

**Alternative 4.** Set the commercial allocation at the average of the percentages of the total catch over the past 5 years (2008-2012). The recreational sector allocation for dolphin is 90%, and commercial sector allocation is 10%.

**Alternative 5.** Modify the time series by which allocations were specified for the two sectors. Allocation by sector = (0.5 \* catch history) + (0.5 \* current trend)

**Sub-alternative 2a.** Catch history = average landings 1986-2011, current trend = average landings 2009-2011). 2011 is the last year before ACLs went into place.

**Sub-alternative 2b.** Catch history = average landings 1986-2012, current trend = average landings 2010-2012). 2012 is the most recent year of complete landings availability.

**Sub-alternative 2c.** Catch history = average landings 1986-2012, current trend = average landings 2006-2012). 2012 is the most recent year of complete landings availability.

*Note: Alternative 5 is an additional alternative added to Action 2 after it was taken out of Amendment 5.*

	Alternative 1		Alternative 2		Alternative 3		Alternative 4	
Allocation	Percent	Lbs ww	Percent	Lbs ww	Percent	Lbs ww	Percent	Lbs ww
<b>Current Total ACL = 14,596,216 lbs ww</b>								
Recreational	92.7%	13,530,692	87%	12,698,708	86%	12,552,746	90%	13,136,594
Commercial	7.3%	1,065,524	13%	1,897,508	14%	2,043,470	10%	1,459,622
<b>Total ACL = 15, 344,846 lbs ww (if Dolphin Wahoo Amendment 5 is approved)</b>								
Recreational	92.46%	14,187,234	87%	13,350,016	86%	13,196,568	90%	13,810,361
Commercial	7.54%	1,157,612	13%	1,994,830	14%	2,148,278	10%	1,534,485

### **Committee Action:**

The Committee needs to review the action and alternatives, make modifications as necessary, and provide direction to staff for further development.

### **Dolphin Wahoo AP Comments**

**Alternative 4** was selected as the preferred alternative of the Dolphin Wahoo AP at their March 2013 meeting and reaffirmed their choice of preferred alternative at their March 2014 meeting.

### **SSC SEP Comments**

The SSC/SEP commented that without information on the economic value of commercial and recreational sectors, there is little to differentiate between alternative ad-hoc formulas for sector allocations.

#### **REQUIRED COMMITTEE ACTION:**

Option 1: Modify action, alternatives, and sub-alternatives

Option 2: Select preferred alternative(s)/sub-alternative(s)

Option 3: Remove action from consideration

Option 4. Others??

## **Additional Action**

#### **REQUIRED COMMITTEE ACTION:**

Option 1. Approve the draft document for DW Amendment 8/SG Amendment 34/GC Amendment 9 for public hearings.

Option 2. Approve the modified draft document for DW Amendment 8/SG Amendment 34/GC Amendment 9 for public hearings.

Option 3. Do not approve the draft document for DW Amendment 8/SG Amendment 34/GC Amendment 9 for public hearings.

Option 4. Others??

## **Timing for the Generic Accountability Measure and Dolphin Allocation Amendment**

- South Atlantic Council will review the document at the June 2014 meeting and vote whether to send the document out for public hearings.
- Public hearings in August 2014.
- Distribute to MAFMC & NEFMC for them to publicize/hold public hearings and provide comments to SAFMC.
- Review public hearing comments, modify and approve all actions in September 2014.
- Approve for formal review in December 2014.
- Submit for formal review in December 2014.

## References

NMFS (National Marine Fisheries Service). 2007. Magnuson Stevens Fishery Conservation and Management Act. Available online at:

[http://www.nmfs.noaa.gov/sfa/magact/MSA\\_Amended\\_2007%20.pdf](http://www.nmfs.noaa.gov/sfa/magact/MSA_Amended_2007%20.pdf)

GMFMC/SAFMC (Gulf of Mexico Fishery Management Council/ South Atlantic Fishery Management Council). 2011. Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, Florida 33607. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. Available online at: [www.safmc.net](http://www.safmc.net)

SAFMC (South Atlantic Fishery Management Council). 2011. Comprehensive Annual Catch Limit (ACL) Amendment for the South Atlantic Region. South Atlantic Fishery Management Council, 4055 Faber Place, Ste 201, North Charleston, S.C. 29405.

SAFMC (South Atlantic Fishery Management Council). 2013. Amendment 5 to the Fishery Management Plan for the Dolphin and Wahoo Fishery for the Atlantic. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405. Available online at: [www.safmc.net](http://www.safmc.net)