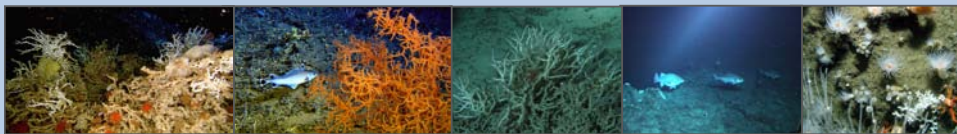


# DECISION DOCUMENT

## for Comprehensive Ecosystem-Based Amendment 3



South Atlantic region - Amends the Snapper Grouper and Golden Crab Fishery Management Plans

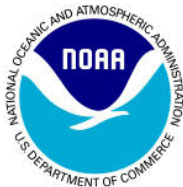
South Atlantic, Mid-Atlantic and New England regions - Amends the Dolphin and Wahoo Fishery Management Plan

Gulf of Mexico, South Atlantic and Mid-Atlantic regions - Amends the Coastal Migratory Pelagic Resources Fishery Management Plan

## September 2012

This document is intended to serve as a SUMMARY for the actions and alternatives in Comprehensive Ecosystem-Based Amendment 3. It also provides background information and includes a summary of the expected biological and socio-economic effects from these proposed management measures.

**\*NOTE: Decisions the Committee / Council need to make are highlighted in yellow**



# Why is the South Atlantic Council taking Action?

In **Action 1**, the South Atlantic Fishery Management Council (South Atlantic Council) is considering alternatives that could increase the reporting frequency by charter and headboat fishermen, and require electronic reporting for fishermen in fisheries for snapper grouper, coastal migratory pelagic, and dolphin/wahoo fisheries. The South Atlantic Council concluded that improving data reporting in these fisheries could reduce the chance that the annual catch limits are exceeded and accountability measures are triggered. The for-hire sector contributes to recreational landings that count towards the recreational annual catch limit. Catches from charter vessels are captured in the Marine Recreational Information Program but headboat catches are monitored separately. Delays in receiving and processing headboat data may contribute to the recreational annual catch limit being exceeded. Electronic reporting via computer/internet could reduce delays and result in fewer recreational annual catch limit overruns. However, a recently completed pilot study in the Gulf of Mexico to test the feasibility of a mandatory electronic logbook reporting system in the for-hire sector has indicated that there may be problems with using self-reported data to track landings. A final report on this pilot project will be completed in fall 2012.

**Action 2** considers alternatives that would modify the timing of reporting requirements for commercial logbooks in fisheries for snapper grouper, coastal migratory pelagic, dolphin/wahoo, and golden crab fisheries, and provide an option for logbooks to be submitted electronically. 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, and not later than 30 days after sale of the golden crab offloaded from a trip. The Southeast Fisheries Science Center has indicated that a large percentage of logbook reports for coastal migratory pelagic, dolphin/wahoo, and snapper grouper fisheries are submitted late. 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. Action 2 considers an alternative that would require 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. Snapper grouper, coastal migratory pelagic, and dolphin/wahoo fishermen have indicated that 7 days is not a sufficient amount of time to obtain information needed to complete economic logbooks. The long-term positive effect of better reporting quality defined as accuracy and timeliness of the reports would be to provide better information for scientific advice used in stock assessments and management decisions.

Commercial electronic logbooks 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. Although logbook data are self-reported and have some biases, this type of verification can lead to better monitoring of commercial catches and reduce the likelihood of commercial annual catch limit overruns. Furthermore, improved logbook data could provide increased spatial resolution using the vessel's global positioning system or if tied to a vessel

monitoring system (VMS), improved scientific information for analyzing effects of proposed management measures, and catch per unit effort estimates in stock assessments.

**Action 3** considers improvements to bycatch reporting in fisheries for snapper grouper, coastal migratory pelagic, dolphin/wahoo, and golden crab. Annual catch limits and acceptable biological catch estimates for South Atlantic species are based on landed catch only and do not include fish that are discarded. However, the magnitude and composition of bycatch is an important component of total fishing mortality and stock assessments for these species.

### ***Purpose for Action***

The ***purpose*** of Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3) is to improve data collection methods and tracking of annual catch limits to ensure overages do not occur in the South Atlantic fisheries.

CE-BA 3 would modify commercial and charter/headboat vessel reporting requirements and bycatch requirements to enhance data collection throughout the South Atlantic.

### ***Need for Action***

The ***need*** for action in CE-BA 3 is to improve data tracking methods, limit overages in annual catch limits, and account for discards and bycatch in South Atlantic fisheries.

#### **IPT Recommendations for Purpose and Need**

Revise language of Purpose and Need statement to reflect:

The ***purpose*** of Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3) is to improve data collection methods to better verify dealer reports to help ensure overages do not occur in the South Atlantic fisheries. CE-BA 3 would modify commercial and charter/headboat vessel reporting requirements and bycatch requirements to enhance data collection throughout the South Atlantic.

The ***need*** for action in CE-BA 3 is to improve data collection methods, limit overages in ACLs, and improve bycatch reporting in South Atlantic fisheries.

## **Council Decisions**

1. Do you want to accept the IPT recommendations for the Purpose and Need?
2. If so, do you want to retain the reference to annual catch limits in the purpose statement?
3. Do these actions apply to Spiny Lobster and Shrimp fisheries? The annual catch limit for spiny lobster is being tracked using the Florida trip ticket system and there is no annual catch limit for shrimp. Also, bycatch in the spiny lobster fishery has been studied and is not an issue. Bycatch in the shrimp fishery has been studied and given the large number of trips, the cost for observers would be high. Thus far these two species have not been included in these actions and to include them now may trigger a need for additional public hearings. Including them would also increase the costs of the alternatives that include observers given the high number of trips in each of these fisheries.

## **Purpose & Need Options for Consideration**

**Option 1.** No change to existing wording for purpose and need.

**Option 2.** Accept the IPT wording:

The *purpose* of Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3) is to improve data collection methods to better verify dealer reports to help ensure overages do not occur in the South Atlantic fisheries. CE-BA 3 would modify commercial and charter/headboat vessel reporting requirements and bycatch requirements to enhance data collection throughout the South Atlantic.

The *need* for action in CE-BA 3 is to improve data collection methods, limit overages in ACLs, and improve bycatch reporting in South Atlantic fisheries.

**Option 3.** Accept the IPT wording but retain reference to annual catch limit and remove ACL acronym:

The *purpose* of Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3) is to improve data collection methods to better verify dealer reports to help ensure **annual catch limit** overages do not occur in the South Atlantic fisheries. CE-BA 3 would modify commercial and charter/headboat vessel reporting requirements and bycatch requirements to enhance data collection throughout the South Atlantic.

The *need* for action in CE-BA 3 is to improve data collection methods, limit overages in **annual catch limits**, and improve bycatch reporting in South Atlantic fisheries.

**Option 4.** Amend the Spiny Lobster and Shrimp Amendments to include Action 3 (bycatch reporting).

**Option 5.** Others?

## What Are the Proposed Actions?

There are 3 actions being proposed in CE-BA 3. Each action has a range of alternatives, including a 'no action alternative' and a 'preferred alternative'.



### *Proposed Actions in Comprehensive Ecosystem-Based Amendment 3*

1. Modify Permits and Data Reporting for For-Hire Vessels
2. Modify Permits and Data Reporting for Commercial Vessels
3. Modify Bycatch and Discard Reporting

# What Are the Alternatives?

## Action 1. Modify permits and data reporting for for-hire vessels

**Alternative 1 (No Action).** Retain existing permits and data reporting systems for the for-hire sector. Currently, the owner or operator of a vessel for which a charter vessel / headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, and who is selected to report by the SRD, must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed records for charter vessels must be submitted to the Science and Research Director weekly, postmarked no later than 7 days after the end of each trip (Sunday). Completed records for headboats must be submitted to the Science and Research Director monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month.

### *Proposed Actions in Comprehensive Ecosystem-Based Amendment 3*

- 1. Modify Permits and Data Reporting for For-Hire Vessels**
2. Modify Permits and Data Reporting for Commercial Vessels
3. Modify Bycatch and Discard Reporting

**Alternative 2.** Require that charter and headboat vessels submit fishing records to the Science and Research Director (SRD) weekly via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

**Sub-Alternative 2a.** Charter and headboat

**Sub-Alternative 2b.** Headboat only

**Alternative 3.** Require that charter and headboat vessels submit fishing records to the Science and Research Director (SRD) daily via electronic reporting (via computer or internet). Daily = by noon of the following day.

**Sub-Alternative 3a.** Charter and headboat

**Sub-Alternative 3b.** Headboat only

**Alternative 4.** Require that charter and headboat vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

**Sub-Alternative 4a.** Charter and headboat

**Sub-Alternative 4b.** Headboat only

### **IPT Recommendations for Action 1**

The IPT recommends the Council consider the following changes to the language of Action 1 and the alternatives:

- Change the language of the Action to state: **Action 1. Amend the Snapper Grouper, Dolphin and Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels.**
- Remove “require that charter and headboat vessels” from Alternative 2-4 and replace with “require that vessels”. This information is clear in the sub-alternatives.
- For sub-alternatives in Alternatives 2-4, split out “charter” as one sub-alternative and “headboat” as the other sub-alternative. If the Council’s interest is to select both vessel types, selection of multi-preferred sub-alternatives is an option.  
The Sub-alternatives should read:  
**Sub-Alternative 2a (and 3a & 4a).** Charter  
**Sub-Alternative 2b (and 3b & 4b).** Headboat

### **What’s currently in place for charter and headboat vessels?**

*Charter vessels* are required to maintain a fishing record for each trip, or a portion of each trip as specified by the Science and Research Director (at the Southeast Fisheries Science Center), on forms that are provided. Forms include instructions, indicate all of the required information and must be postmarked no later than 7 days after the end of each week (on Sunday).

Harvest and bycatch from charter and private vessels are monitored by the Marine Recreational Information Program. A 10% sample of charter vessel captains is called weekly to obtain trip level information. Additionally, standard dockside intercept data are collected from charter vessels and vessel clients are randomly sampled.

*Headboat vessels* are also required to report important information about their fishing trips. Vessels must complete and mail reporting forms to the Science and Research Director. The forms are due on a monthly basis, and must either be made available to a fisheries statistics reporting agent or be postmarked no later than 7 days after the end of each month.

Harvest and bycatch data from the recreational sector are monitored by the Southeast Fisheries Science Center. Headboat trips are sub-sampled for data on species lengths and weights. Biological samples are obtained as time permits, and lengths of discarded fish are occasionally obtained.

The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper grouper has been issued, who is selected to report by the Science and Research Director must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the Science and Research Director.

### **Action 1: Summary of Effects**

**Biological:** **Alternative 1 (No Action)** would retain existing data reporting systems for the for-hire sector. Currently, for-hire vessels for the snapper grouper, coastal migratory pelagic, and dolphin/wahoo fisheries selected to report by the Science and Research Director need to maintain a fishing record for each trip, or a portion of such trips as specified by the Science and Research Director, and on forms provided by the Science and Research Director. Furthermore, the owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper grouper has been issued, who is selected to report by the Science and Research Director must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the Science and Research Director. **Alternative 1 (No Action)** does not apply to for-hire vessels for coastal migratory pelagics and dolphin/wahoo. Under **Alternative 1 (No Action)** for-hire vessels in fisheries for coastal migratory pelagic and dolphin/wahoo would not be required to submit their data via electronic reporting (computer/internet). **Alternatives 2-4** would require that data be submitted to the Southeast Fisheries Science Center more frequently via computer/internet. Assuming compliance and accurate reporting by for-hire participants, all of the action alternatives would result in positive indirect biological effects, as the data would be reported in a more timely and efficient manner resulting in better monitoring of recreational annual catch limits. However, a recently completed pilot study in the Gulf of Mexico to test the feasibility of a mandatory electronic logbook reporting system in the for-hire sector has indicated that there may be problems with using self-reported data to track landings. **Alternative 3** would require daily reporting resulting in the greatest positive indirect biological effects among the action alternatives. **Alternative 2** would require weekly reporting, which is the same as the status quo (**Alternative 1**) for charter vessels; however, **Alternative 2** would require data be submitted electronically. Further, **Alternative 2** would increase the reporting frequency for headboat vessels. Therefore, **Alternative 2** would have the least amount of biological benefits among the alternatives being considered. **Alternative 4** would initially require weekly reporting, with the additional requirement for data to be submitted via computer. **Alternative 4** would allow the Science and Research Director to require faster data submissions in the future without the South Atlantic Council having to prepare an additional amendment.

**Economic:** The current frequency of data reporting would be expected to increase the likelihood of harvest overages. Only in the most extreme situations would potential overages be expected to be so severe that the status of a stock or a recovery plan be jeopardized under the current reporting schedule. However, overages have the potential, depending on the accountability measures, to result in significant disruption in fishing behavior the following year and reduce revenue and profit for for-hire vessels and associated businesses, and reduce potential fishing opportunities for anglers. **Alternative 1 (No Action)** would be expected to continue to result in these indirect economic effects.



**Alternatives 2-4** would require electronic submission of reports, the difference between alternatives being the frequency of requirement. Currently, federally permitted for-hire vessels are not reporting electronically. Under **Alternative 2**, charter vessel operators would be required to report on the same weekly schedule as they currently report. However, weekly reporting would be an approximately fourfold increase in reporting frequency for headboat operators. **Alternative 3** would require daily electronic reporting, while **Alternative 4** is a hybrid of **Alternatives 2** and **3** requiring either weekly or daily reporting. Under each of these alternatives headboat operators will be required to report more frequently. Each of the **Alternatives 2-4** has the same set of **sub-alternatives**. **Sub-Alternatives 2a, 3a, and 4a** would require electronic reporting for both charter and headboat vessels. **Sub-Alternatives 2b, 3b, and 4b** would require electronic reporting for just headboat vessels.

Potential regulatory change resulting from **Action 1** would result in the highest costs to for-hire permit holders under **Alternative 3**, followed by **Alternative 4**, and **Alternative 2**. The use of computers, the internet, and other forms of electronic connections and communication is commonplace in the business environment, so the differences in the costs between these alternatives associated with reporting method may be minimal.

**Social:** In general, negative social effects of for-hire reporting requirements will likely be associated with any added time and financial burden for permit holders to meet the requirements. Increased frequency in reporting under **Alternatives 2-4** may have some negative effects on vessel owners and captains because businesses will need to allocate additional time or staff to submit reports. The daily reporting requirement under **Alternative 3** and the potential for daily reporting requirement under **Alternative 4** will be more burdensome for for-hire permit holders than the weekly reporting in **Alternative 2**. **Alternative 1 (No Action)** would not be expected to negatively impact the for-hire sector in terms of additional time and money requirements. Charterboat owners and captains will not be impacted under **Sub-alternative b** under **Alternatives 2-4**, but requirements for only headboats may not improve quota monitoring and accuracy.

The requirement for electronic reporting under **Alternatives 2-4** will affect vessel owners who do not already use computer systems in their businesses. However, requiring all for-hire permit holders to report electronically and more frequently (**Alternatives 2-4**) is expected to result in broad social benefits from increased reporting that would allow for improved quota monitoring, with which it will be less likely that an annual catch limit will be exceeded and the associated accountability measures (AMs) will negatively impact the for-hire fishermen and associated communities and businesses.

**Administrative:** The administrative effects of changing reporting requirements for the for-hire sector will most likely be associated with rule-making, outreach, and implementation of the revised reporting scheme. In general, increased frequency in reporting under **Alternatives 2-4** would increase the administrative burden on the agency. As the number of vessels affected increases, and reporting frequency increases (under the sub-alternatives), so do the administrative impacts.

## **Public Hearing Input**

Generally, comments were received speaking favorably of the Council moving forward with electronic reporting for charter and for-hire vessels, citing the need for better data for this sector and improvements in how data are obtained.

A couple of comments were received specifically supporting Alternative 2, which would require daily electronic reporting; and also supporting Alternative 3, which would require weekly electronic reporting. Additionally, a comment was received recommending the Council define a detailed methodology for the overarching data collection and analysis system, and an independent review of the data system.

## **Council Decisions: Action 1**

**Do you want to accept the IPT recommendations for Action 1 and the alternatives?**

### **Action 1 Options for Consideration**

**Option 1.** No change to existing wording for Action 1.

**Option 2.** Accept the IPT wording for Action 1:

### **Action 1. Amend the Snapper Grouper, Dolphin and Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels**

**Alternative 1 (No Action).** Retain existing permits and data reporting systems for the for-hire sector. Currently, the owner or operator of a vessel for which a charter vessel / headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, and who is selected to report by the SRD, must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed records for charter vessels must be submitted to the Science and Research Director weekly, postmarked no later than 7 days after the end of each trip (Sunday). Completed records for headboats must be submitted to the Science and Research Director monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month.

**Alternative 2.** Require that vessels submit fishing records to the Science and Research Director (SRD) weekly via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

**Sub-Alternative 2a.** Charter

**Sub-Alternative 2b.** Headboat

**Alternative 3.** Require that vessels submit fishing records to the Science and Research Director (SRD) daily via electronic reporting (via computer or internet). Daily = by noon of the following day.

**Sub-Alternative 3a.** Charter

**Sub-Alternative 3b.** Headboat

**Alternative 4.** Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

**Sub-Alternative 4a.** Charter

**Sub-Alternative 4b.** Headboat

**Option 3.** Others??

Select a preferred alternative:

**Option 1.** Do not choose a preferred alternative.

Note: The Council cannot finalize without a preferred and this would defer final approval to a future Council meeting.

**Option 2.** Adopt Alternative X and Sub-Alternative Y (& Z?) as the preferred alternative for Action 1. Note: Need to specify whether using original wording or the IPT's recommended wording.

**Option 3.** Others??

## Action 2. Modify permits and data reporting for commercial vessels

**Alternative 1. (No Action)** Retain existing permits and data reporting systems for the commercial sector. Snapper grouper logbooks are required to be submitted 7 days after the end of each trip.

**Alternative 2.** Modify permits and data reporting for commercial vessels as follows:

**Sub-Alternative 2a.** Require NMFS develop a system for commercial permit holders to submit their logbook entries electronically via an electronic version of the logbook made available online. Fishermen are encouraged to submit their logbook reports electronically but would be allowed to submit paper logbooks. Commercial landings and catch/effort data are to be submitted in accordance with ACCSP standards. Require that the three logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip.

**Alternative 3.** “No fishing forms” must be submitted at the same frequency [currently submitted monthly], via the same process, and for all species as is currently specified for snapper grouper species. A fisherman would only be authorized to sell commercially-harvested species if the fisherman’s previous reports have been submitted by the fisherman and received by NMFS in a timely manner. Any delinquent reports would need to be submitted by the fisherman and received by NMFS before a fisherman could sell commercially harvested species from a federally-permitted U.S. vessel.

**Alternative 4.** Require all commercial snapper grouper fishing vessels 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*. The purchase of VMS equipment will be reimbursed by the National Office of Law Enforcement VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the shareholder.

### *Proposed Actions in Comprehensive Ecosystem-Based Amendment 3*

1. Modify Permits and Data Reporting for For-Hire Vessels
2. **Modify Permits and Data Reporting for Commercial Vessels**
3. Modify Bycatch and Discard Reporting

## **IPT Recommendations for Action 2**

The IPT recommends the Council consider the following changes to the language of Action 2 and the alternatives:

- Change language of Action to state: **Action 2. Amend the Snapper Grouper, Dolphin and Wahoo, Coastal Migratory Pelagic Resources, and Golden Crab Fishery Management Plans to modify data reporting for commercial vessels.**
- Include the current requirements in the description of Alternative 1 (No Action). Alternative 1 should state: **Alternative 1. (No Action)** Retain existing data reporting systems for the commercial sector. Snapper grouper logbooks for snapper grouper, coastal migratory pelagic, and dolphin/wahoo are required to be submitted 7 days after the end of each trip. Golden crab logbooks must be submitted not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month for snapper grouper, coastal migratory pelagic, dolphin/wahoo, or golden crab, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper grouper has been issued, who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.
- Remove Alternative 2 and Sub-Alternative 2a becomes the new Alternative 2. Replace “online” with “computer or internet” in this alternative and it should read:  
**Alternative 2.** Require NMFS to develop a system for commercial permit holders to submit their logbook entries electronically via an electronic version of the logbook made available via computer or internet. Fishermen are encouraged to submit their logbook reports electronically but would be allowed to submit paper logbooks. Commercial landings and catch/effort data are to be submitted in accordance with ACCSP standards. Require that the three logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip.
- Begin Alternative 3 with an action word: “**Alternative 3.** Require “No fishing forms” to be submitted at the same frequency...”
- Remove the word “currently” from Alternative 3.
- Change the wording of “shareholder” to “permit holder” in Alternative 4 because there are no shareholders. The language in Alternative 4 should read: **Alternative 4.** Require all commercial snapper grouper fishing vessels 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*. The purchase of VMS equipment will be reimbursed by the National Office of Law Enforcement VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.
- Remove Alternative 4 from Action 2 and make this measure a stand-alone Action. The Action would read:  
**Action 3. Require all commercial snapper grouper fishing vessels to be equipped with VMS.**  
**Alternative 1.** No Action.  
**Alternative 2.** Require all commercial snapper grouper fishing vessels 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*. The purchase of VMS equipment will be reimbursed by the National Office of Law Enforcement VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.

## What's currently in place for commercial vessels?

Logbook reports from commercial fishermen targeting snapper grouper, coastal migratory pelagic, and dolphin/wahoo must be submitted to the SRD postmarked not 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 not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month for snapper grouper, coastal migratory pelagic, dolphin/wahoo, or golden crab, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month.

If selected by NOAA Fisheries, a snapper grouper vessel fishing in the EEZ must carry an observer and install an electronic logbook and/or video monitoring equipment provided to them. Participants in the fishery may also be selected by the SRD to maintain and submit a fishing record on provided forms.

Currently, commercial landings are monitored through the commercial landings monitoring system, which was recently implemented in June 2012. The commercial landings monitoring system takes into account: different boundaries for each stock based on fishing area where available; variable quota periods; overlapping years; multiple periods per year; and overlapping species groups (single species, aggregated species). The commercial landings monitoring system draws from multiple data sources including the dealer trip reports submitted to the Standard Atlantic Information System (SAFIS) in Georgia and South Carolina, and Florida and North Carolina dealer trip ticket reports via Bluefin Data's file upload system. One system is used for all stocks managed by the South Atlantic Council. Compliance monitoring, as well as projections and expansions for non-reporting dealers is built into the commercial landings monitoring system. There is built-in quality control, which checks the landings reports against ACCSP and GulfFIN master code lists. The Southeast Fisheries Science Center identifies which dealers with reporting requirements have not reported and expands landings for non-reporting and compiles compliance monitoring reports. The Southeast Fisheries Science Center provides reports to NOAA Fisheries Southeast Regional Office every two weeks, and landings are posted on NOAA Fisheries Southeast Regional Office's Web site. In addition, timing of possible closures is estimated through the commercial landings monitoring system.

### **Action 2: Summary of Effects**

**Biological:** **Alternative 1 (No Action)** would not require commercial vessels with a snapper grouper permit to use VMS and would also not make any improvements to the accountability of fishermen to submit logbooks in a timely manner or provide fishermen a means to report their information electronically via an electronic form. **Alternative 2** would give fishermen the option to submit their logbooks electronically and would change the deadline for submission of logbooks to 21 days after the trip. **Alternative 3** would require "no fishing forms" when fishermen don't fish and would authorize fishermen to sell fish only when the previous reports have been submitted and received by NOAA Fisheries.

Electronic reporting of commercial logbook data has the potential to provide more complete logbook data, and make it easier to verify dealer reported landings in a timely manner. With electronic reporting, hail weights can be reported before the vessel hits the dock; thereby reducing error associated with filling out the effort and trip information a month later. Improvements expected from electronic vessel logbooks would include improved quality control using drop down lists, capturing effort information during the trip, and increased spatial resolution using the vessel’s global positioning system. Another positive effect would be to reconcile vessel and dealer reports at weekly intervals or even daily depending on the flexibility of the Southeast Fisheries Science Center. However, electronic logbooks would not be expected to replace dealer reporting as landings are more accurately recorded at the dealer level.

**Economic:** While the status quo will not change the economic effects, **Action 1 (No Action)** does not necessarily maximize economic returns for these businesses because of the accountability measure consequences that could as a result of exceeding an annual catch limit using less efficient methods of data collection. **Alternative 2, Sub-Alternative 2a** could increase potential economic return for these businesses by leading to timelier reporting of their catch. Electronic reporting is efficient because the information provided is directly integrated into an electronic system that allows combination of records and tabulation of harvests. With electronic reporting, data do not have to be manually input from paper forms, faxes, or scanned documents. The economic effects of **Alternative 2, Sub-Alternative 2a** have the potential for commercial fishermen who choose to file electronically to incur costs. However, the use of computers, the internet, and other forms of electronic connections and communication is commonplace in the business environment, so the differences in the costs associated with the use of electronic versus paper reporting method may be minimal. The economic impacts of complying with **Alternative 3** would be minimal. Fishermen would simply be required to report to NMFS when they are not fishing so that it will be known whether or not they are delinquent in turning in landings reports.

**Tables 1 & 2** describe economic impacts for implementation of Vessel Monitoring System (VMS) (**Alternative 4**).

**Table 1.** NMFS-approved VMS units and costs.

<b>Brand and Model</b>	<b>Cost</b>
Boatracs FMCT-G	\$3095
Thrane and Thrane TT-3026D	\$2495
Faria Watchdog KTW304	\$3295
CLS America Thorium TST	\$3095

Source: Data provided by NMFS Office of Law Enforcement, July 2012.

**Table 2.** NMFS-approved VMS communications costs.

<p><b>1.</b> Qualcomm (for Boatracs units) \$30/mo satellite fee, \$.30/message, \$.006 per character for messaging (average price Estimated \$35/month which includes 24/7 operations center support)</p>
<p><b>2.</b> Telenor (for Thrane units) \$.06 per position report or \$1.44 per day for 1 hour reporting. If in the “In Harbor” mode, then \$.36 per day. Messaging costs \$.24 per e-mail. (\$30/mo average)</p>
<p><b>3.</b> Iridium/Cingular Wireless (for Faria units) \$50.25 per month which includes 12,000 Iridium bytes and 35,000 GSM bytes for email and e-forms reporting.</p>
<p><b>4.</b> Iridium (for CLS America units) \$45 per month for hourly reporting, \$1.75 per kbyte for e-mail or forms submission.</p>

Source: Data provided by NMFS Office of Law Enforcement, July 2012.

**Social: Alternative 1 (No Action)** would be expected to not result in impacts on commercial fishermen but would reduce long-term social benefits associated with more accurate and timely data that would be expected under **Alternatives 2** and **3**, such as improved monitoring and more accurate forecast of potential in-season closures when landings are approaching an annual catch limit. **Alternatives 2** and **3** would extend reporting requirements for snapper grouper permit holders to all commercial permit holders, which will increase the burden on fishermen who do not currently hold snapper grouper permits. The option for paper or electronic reporting under **Alternative 2** would provide flexibility to fishermen who currently do not own the equipment necessary for electronic reporting or are not familiar with electronic reporting.

Vessel Monitoring Systems (VMS) on all commercial vessels would be expected to improve enforcement and compliance with reporting requirements, area closures, seasonal closures, and other management measures. A VMS mandate for all commercial vessels will eliminate the unfair advantage to fishermen who do not comply with regulations and fish when and where it is not allowed. Overall, the benefits to the entire fleet would be expected to outweigh the negative impacts of the VMS requirement in **Alternative 4**.

**Administrative:** The design and implementation of electronic logbooks under **Alternative 2** would result in increased administrative impacts to the agency and fishermen. There could be increased administrative burdens associated with requiring electronic logbook reporting for South Atlantic coastal migratory pelagic fishermen but not Gulf of Mexico coastal pelagic fishermen. Fishermen in fisheries for snapper grouper, coastal migratory pelagic, dolphin/wahoo, and golden crab are currently required to submit a “no fishing form” which is under **Alternative 3** postmarked not later than 7 days after the end of that month. However, **Alternative 3** would prohibit fishermen from selling snapper grouper, coastal migratory pelagic, dolphin/wahoo, or golden crab species if they did not submit logbooks in a timely manner. This could result in moderate administrative impacts to both the agency and the fishery participants related to compliance and processing. Administrative impacts associated with **Alternative 4** would be significant and relate to rule-making, enforcement, monitoring, and education and outreach. Establishing a Vessel Monitoring System (VMS) provision is a complicated



administrative task for the agency and would result in considerable burden. It is expected that **Alternative 4** would be a considerable burden for the fishery participants.

### **Advisory Panel Recommendations:**

The Snapper Grouper Advisory Panel (AP) has recommended to the Council on numerous occasions that they consider a requirement to carry VMS for both recreational and commercial vessels in the South Atlantic. In April 2010, the Snapper Grouper AP approved a motion to recommend mandatory VMS for all vessels that interact with snapper grouper species in the EEZ and accountability measures that would prevent fishing in the absence of VMS. Again in April 2012, the Snapper Grouper AP approved a motion to recommend the Council require VMS for any snapper grouper vessel harvesting fish in South Atlantic waters.

### **Public Hearing Input**

In general, most comments received on this action were opposed to the Council moving forward with requiring VMS on snapper grouper commercial vessels. Commenters cited the resulting economic hardship associated with maintenance, installation, and communication costs for the units. The comments also discussed that if the Council pursues mandatory requirement of VMS units for commercial vessels that the same requirement apply to recreational vessels.

Other comments on this action included support for electronic reporting of commercial and for-hire vessels and increasing the frequency through which reporting is required. A comment suggested that the Council consider modifying Alternative 2 to require electronic reporting of commercial logbooks within one week or less, and discussed that 21 days is too long.

### **Council Decisions: Action 2**

The Committee needs to discuss how to deal with CMP species and shifting boundaries. Fishermen in Monroe County and parts of the Florida East Coast would have to report electronically part of the year and not part of the year.

### **Coastal Migratory Pelagics Options for Consideration**

**Option 1.** It is the Council's intent that Action 2 alternatives apply to all vessels with a Coastal Migratory Pelagics commercial permit fishing within the Mid-Atlantic and South Atlantic Councils' area of authority.

**Option 2.** It is the Council's intent that Action 2 alternatives apply to all vessels with a Coastal Migratory Pelagics commercial permit fishing within the South Atlantic Councils' area of authority.

**Option 3.** It is the Council's intent that Action 2 alternatives apply to all vessels with a Coastal Migratory Pelagics commercial permit fishing for Atlantic Migratory Groups of king and Spanish mackerel and Cobia.

**Option 4.** Others??

Do you want to accept the IPT recommendations for Actions 2 & 3 and the alternatives?

**Action 2 and New Action 3 Options for Consideration**

**Option 1.** No change to existing wording for Action 2.

**Option 2.** Accept the IPT wording for Action 2 and new Action 3:

**Action 2. Amend the Snapper Grouper, Dolphin and Wahoo, Coastal Migratory Pelagic Resources, and Golden Crab Fishery Management Plans to modify data reporting for commercial vessels**

**Alternative 1. (No Action)** Retain existing data reporting systems for the commercial sector. Snapper grouper logbooks for snapper grouper, coastal migratory pelagic, and dolphin/wahoo are required to be submitted 7 days after the end of each trip. Golden crab logbooks must be submitted not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month for snapper grouper, coastal migratory pelagic, dolphin/wahoo, or golden crab, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper grouper has been issued, who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

**Alternative 2.** Require NMFS to develop a system for commercial permit holders to submit their logbook entries electronically via an electronic version of the logbook made available via computer or internet. Fishermen are encouraged to submit their logbook reports electronically but would be allowed to submit paper logbooks. Commercial landings and catch/effort data are to be submitted in accordance with ACCSP standards. Require that the three logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip.

**Alternative 3.** Require “No fishing forms” must be submitted at the same frequency [submitted monthly], via the same process, and for all species as is currently specified for snapper grouper species. A fisherman would only be authorized to sell commercially-harvested species if the fisherman’s previous reports have been submitted by the fisherman and received by NMFS in a timely manner. Any delinquent reports would need to be submitted by the fisherman and received by NMFS before a fisherman could sell commercially harvested species from a federally-permitted U.S. vessel.

**Action 3. Require all commercial snapper grouper fishing vessels to be equipped with VMS.**

**Alternative 1.** No Action.

**Alternative 2.** Require all commercial snapper grouper fishing vessels 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*. The purchase of VMS equipment will be reimbursed by the National Office of Law Enforcement VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.

Select a preferred alternative for Action 2.

**Option 1.** Do not choose a preferred alternative.

Note: The Council cannot finalize without a preferred and this would defer final approval to a future Council meeting.

**Option 2.** Adopt Alternative X as the preferred alternative for Action 2.

**Option 3.** Others??

Select a preferred alternative for new Action 3.

**Option 1.** Do not choose a preferred alternative.

Note: The Council cannot finalize without a preferred and this would defer final approval to a future Council meeting.

**Option 2.** Adopt Alternative X as the preferred alternative for Action 3.

**Option 3.** Others??

### **Action 3. Modify bycatch and discard reporting**

**Alternative 1 (No Action).** Adopt the Atlantic Coastal Cooperative Statistics Program (ACCSP) Release, Discard and Protected Species Module as the preferred methodology. Until this module is fully funded, require the use of a variety of sources to assess and monitor bycatch including: observer coverage on vessels; logbooks; electronic logbook; video monitoring; MRFSS; state cooperation; and grant funded projects. After the ACCSP Bycatch Module is implemented, continue the use of technologies to augment and verify observer data. Require that commercial vessels with a snapper grouper permit, for-hire vessels with a for-hire permit, and private recreational vessels if fishing for snapper grouper species in the EEZ, if selected, shall use observer coverage, logbooks, electronic logbooks, video monitoring, or any other method deemed necessary to measure bycatch by NOAA Fisheries.

Note: This was adopted for the snapper grouper fishery.

**Alternative 2.** Adopt the Atlantic Coastal Cooperative Statistics Program (ACCSP) Release, Discard and Protected Species Module as the preferred methodology. Require that vessels with a commercial permit, for-hire vessels with a for-hire permit, and private recreational vessels if fishing for species in the EEZ under the authority of the South Atlantic Fishery Management Council, if selected, shall use observer coverage, logbooks, electronic logbooks, video monitoring, or any other method deemed necessary to measure bycatch by NOAA Fisheries.

**Alternative 3.** Bycatch data will be collected to meet or exceed the ACCSP standards.

#### *Proposed Actions in Comprehensive Ecosystem-Based Amendment 3*

1. Modify Permits and Data Reporting for For-Hire Vessels

2. Modify Permits and Data Reporting for Commercial Vessels

**3. Modify Bycatch and Discard Reporting**

### **IPT Recommendations for Action 3**

The IPT recommends the Council consider the following changes to the language of Action 3 and the alternatives:

- Based on the previous suggestion to split out Alternative 4 in Action 2 as a new Action 3, and then change this action to Action 4.
- Change language of action to state: **Action 4. Amend the Snapper Grouper, Dolphin and Wahoo, Coastal Migratory Pelagic Resources, and Golden Crab Fishery Management Plans to modify bycatch and discard reporting.**
- Remove “adopt” from the language in Alternative 1 (No Action) and indicate these are the current requirements in place.
- Change the language of Alternative 2 to state: **Alternative 2.** Implement the Atlantic Coastal Cooperative Statistics Program (ACCSP) Release, Discard and Protected Species Module as the preferred methodology.
- Remove Alternative 3 from consideration. Include new Alternative 3 to state: **Alternative 3.** Implement aspects of ACCSP that are not currently being done.

### **What’s currently in place to monitor bycatch and discard reporting?**

Bycatch and discard reporting is currently being done through a variety of different means for the snapper grouper, coastal migratory pelagic, dolphin/wahoo, and golden crab fisheries (see Section 4 of CE-BA 3 for a complete description). The degree to which ACCSP standards have been met for the snapper grouper, coastal migratory pelagic, and dolphin/wahoo fisheries is shown below in **Table 3**.

**Table 3.** The degree that the ACCSP bycatch standards have been met in the South Atlantic in terms of bycatch reporting for the snapper grouper, coastal migratory pelagic, and dolphin/wahoo fisheries.

<b>ACCSP Standards</b>	<b>Fulfilled?</b>	<b>Method</b>
<b>Reporting Requirements (Discards)</b>		
<i>Commercial</i>	Partial	Supplemental Discards logbook (20% permit holders/year)
<i>For Hire</i>	Full	MRFSS & Headboat Survey
<i>Private/Recreational</i>	Full	MRFSS
<b>Required Reporting (Protected Species Interactions)</b>		
<i>Commercial</i>	Partial	-Supplemental Discards logbook (20% permit holders/year)
<i>For-Hire (All vessels)</i>	Partial	Reporting of protected resources interactions not mandatory.
<i>Private/Rec</i>	Partial	Reporting of protected species resources interactions only one year (2006)
<b>Target Sampling</b> -Bandit (h/l) 5% of trips -BSB Pots 3.5% of trips -For-Hire (h/l) 5% of trips	Full	-Supplemental Discards logbook (20% permit holders/year)
Commercial Fishermen reporting system must have standardized data elements	Full	
Mandatory reporting of threatened species and protected finfish species	Partial	-Supplemental Discards logbook (20% permit holders/year)
<b>Observer Coverage*</b>		
<i>Pilot program to determine appropriate coverage</i>	Completed	Gulf and South Atlantic Fisheries Foundation has a project to implement a pilot observer program in the vertical hook and line fishery.
<i>Commercial</i>	Partial	Cooperative Research Program (only 2006-2007)
<i>For-Hire</i>	None	
<i>Private/Rec</i>	None	
<b>Outreach/Training:</b>		
<i>Programs on Reporting</i>	None	
*Note: If selected, both the commercial and for-hire sectors in the snapper grouper fishery are required to utilize observers, fishermen reporting, and port interviewing to qualitatively and quantitatively describe release, discards, and protected resources interactions.		

### **Action 3: Summary of Effects**

**Biological:** When funding is available, **Alternative 1** would implement the ACCSP bycatch module. In contrast to **Alternative 1**, **Alternative 2** would immediately implement the ACCSP bycatch module, which would improve bycatch reporting if funding were available and have positive biological effects.

However, funding is currently not available to implement the ACCSP. As **Alternative 2** would use only ACCSP to collect bycatch information, presumably no bycatch data could be collected for any of the fisheries in the South Atlantic unless funds became available. Further, it is possible that if the bycatch module was funded that monies would be taken from other data collection projects in the South Atlantic. Therefore, if the ACCSP bycatch module was implemented under **Alternative 2**, positive indirect biological effects could be expected for fisheries in the South Atlantic; however, if funds were taken from other programs in the Southeast, implementation of the ACCSP bycatch module could have negative biological effects. **Alternative 3** would allow data to be collected using any means as long as the resulting data meet or exceed the ACCSP standards. The indirect biological benefits would be greater than those under **Alternative 2** if the data exceed ACCSP standards and equal to the indirect biological benefits if the data meet ACCSP standards.

**Economic:** The alternatives under Action 3 are not expected to have significant, negative economic impacts to the fishermen unless the methods selected to implement bycatch and discard reporting resulted in something other than minimal time commitments. When NMFS/NOAA Fisheries implements the ACCSP standards (**Alternative 1 (No Action)** and **Alternative 2**), significant, negative impacts could result if the fishery participants are required to fund the cost of at-sea observers or other data collection costs. The impact of the cost would be determined by the frequency with which fishermen would have to pay for observers, or other measures. Until the ACCSP standards are implemented, it is impossible to know the potential impact to individual fishermen or overall. However, if requiring fishermen to pay for observers or other expensive data collection measures become requirements, it is possible the increased cost may cause some fishermen to leave the fishery.

**Social:** While there are reporting requirements currently in place under **Alternative 1**, if these methods are not the most effective methods for bycatch monitoring and reporting this may result in considerable social action to publicize bycatch in a fishery, resulting in increased social conflict and polarization of the different perspectives. **Alternatives 2** and **3** are expected to improve the collection of bycatch data, thereby improving the quality of stock assessments and subsequent fishery decisions. Each alternative has the potential of imposing costs on individual fishery participants that could be excessive and result in fishery exit, which would be expected to result in additional personal, family, and community and associated industries stress and change.

**Administrative:** Under the status quo (**Alternative 1**), modules of the ACCSP are implemented as funding allows. **Alternative 2** could increase the administrative impacts relative to **Alternative 1 (No Action)** as it could require funding to be shifted from various existing

sources such as fishery-independent monitoring, stock assessments, and collection of fishery-dependent data to implement the ACCSP bycatch reporting module. Under **Alternative 3**, the agency would have more flexibility in how bycatch information is collected and would be able to modify the collection to have the least amount of impacts on the agency while maintaining the standards of the Magnuson-Stevens Act. At this point, it is difficult to determine the administrative impacts of the action on fishery participants for **Alternative 3** because it is unclear which bycatch reporting methods would be selected.

## **Public Hearing Input**

One comment was received on this action. The comment discussed that this measure fails to adopt an effective standardized bycatch reporting methodology that meets legal requirements for the South Atlantic. Both Alternative 1 and 2 would adopt the ACCSP bycatch module as the preferred methodology, but take no further action to implement it. The comment discussed that Alternative 3 does not describe the methodology that would be used to accomplish meeting or exceeding the ACCSP standards. Further, the comment noted that the failure to account for bycatch can lead to overfishing and stock depletion that is often unnoticed and unaddressed, and cited the lack of reliable bycatch data in the South Atlantic.

## **Council Decisions: Action 3->4**

Do you want to accept the IPT recommendations for Action 4 and the alternatives?

### **Action 3->4 Options for Consideration**

**Option 1.** No change to existing wording for Action 4.

**Option 2.** Accept the IPT wording for Action 4:

### **Action 4. Amend the Snapper Grouper, Dolphin and Wahoo, Coastal Migratory Pelagic Resources, and Golden Crab Fishery Management Plans to modify bycatch and discard reporting**

**Alternative 1 (No Action).** The Atlantic Coastal Cooperative Statistics Program (ACCSP) Release, Discard and Protected Species Module is the preferred methodology for the snapper grouper fishery. Until this module is fully funded, require the use of a variety of sources to assess and monitor bycatch including: observer coverage on vessels; logbooks; electronic logbook; video monitoring; MRFSS; state cooperation; and grant funded projects. After the ACCSP Bycatch Module is implemented, continue the use of technologies to augment and verify observer data. Require that commercial vessels with a snapper grouper permit, for-hire vessels with a for-hire permit, and private recreational vessels if fishing for snapper grouper species in the EEZ, if selected, shall use observer coverage, logbooks, electronic logbooks, video monitoring, or any other method deemed necessary to measure bycatch by NOAA Fisheries.

**Alternative 2.** Implement the Atlantic Coastal Cooperative Statistics Program (ACCSP) Release, Discard and Protected Species Module as the preferred methodology.

**Alternative 3.** Implement aspects of ACCSP that are not currently being done.



**Select a preferred alternative for what is now Action 4.**

**Option 1.** Do not choose a preferred alternative.

Note: The Council cannot finalize without a preferred and this would defer final approval to a future Council meeting.

**Option 2.** Adopt Alternative X as the preferred alternative for Action 4.

**Option 3.** Others??

**Other Council Decisions for CE-BA 3**

**Option 1.** Approve modified CE-BA 3 for formal Secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document/codified text and give the Council Chair authority to approve the revisions and re-deem the codified text.

Note: The final amendment and codified text will be reviewed and approved by the Gulf Council during their October 29 – November 2, 2012 meeting. The amendment would be submitted immediately after the Gulf Council meeting assuming they approve.

**Option 2.** Others??