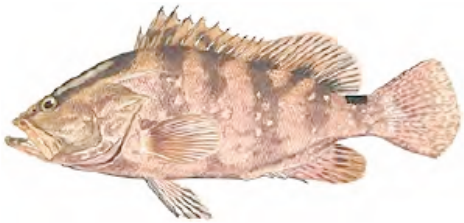

Snapper Grouper Amendment 27

DECISION DOCUMENT

MARCH 2013

Rationale for Considering the Actions in this Amendment

Nassau Grouper

On December 16, 2011, a notice of agency action was published in the *Federal Register* (76 FR 78245), which removed the Gulf of Mexico Fishery Management Council's (Gulf of Mexico Council) management authority over Nassau grouper in the Gulf of Mexico. The Gulf of Mexico Council took this action with the intention that the South Atlantic Fishery Management Council (South Atlantic Council) would extend their area of jurisdiction for management of Nassau grouper to include federal waters of the Gulf of Mexico. Nassau grouper has been under a harvest moratorium since 1992 (SAFMC 1991) due to concerns of overexploitation. The current annual catch limit (ACL) for Nassau grouper in both the South Atlantic and Gulf of Mexico is zero (landings). The South Atlantic Council is addressing the issue of extending its management authority over Nassau grouper to include the Exclusive Economic Zone off the Gulf of Mexico and South Atlantic in Amendment 27 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP).

Crew Member Limit on Dual-Permitted Snapper Grouper Vessels

Currently, there is a crew size limit of three for vessels with both a South Atlantic Charter/Headboat Permit for snapper grouper and a South Atlantic Unlimited or 225-Pound Permit for snapper grouper (referred to as "dual-permitted" vessels). This crew size limit prevents a dual-permitted vessel from engaging in a charter/headboat trip while landing fish in excess of the recreational bag limits. However, a safety concern arises under the current crew size regulations when dual-permitted vessels are spearfishing commercially. The maximum crew size of three persons prohibits fishermen from fishing in pairs using the buddy system while having a standby diver and captain at the surface as recommended by the U.S. Coast Guard diving operations manual. The South Atlantic Council has received requests from dual-permitted vessel operators to allow a crew size of at least four persons when commercially spearfishing. The increase in crew size would allow two persons to remain on the vessel while there are two divers in the water, thereby contributing to increased safety at sea. Further, this measure would be consistent with regulations that are in place in the Gulf of Mexico.

Crew Retention of Bag Limit Quantities of Snapper Grouper

During their December 2012 meeting, the South Atlantic Council discussed the issue of consistency of regulations prohibiting captain and crew on for-hire vessels from retaining bag limit quantities of some snapper grouper species and not others. Therefore, the South Atlantic Council chose to re-evaluate this regulation in this amendment. The South Atlantic Council may propose adjusting the restriction or making it applicable to

all species in the snapper grouper fishery management unit (FMU); that is, captain and crew on for-hire vessels would not be allowed to retain bag limit quantities of any snapper grouper species, or would be allowed to retain bag limit quantities of all snapper grouper species. Making the regulations consistent for all snapper grouper species would alleviate current confusion that exists among fishermen who do not know which species the provision applies to, and will aid in law enforcement efforts. Further, captain and crew cannot retain bag limit quantities of reef fish species in the Gulf of Mexico. A similar prohibition in the South Atlantic would aid law enforcement in South Florida.

Snapper Grouper Framework Modifications

Currently, the Framework allows the acceptable biological catch (ABC), ACLs, and annual catch targets (ACTs) to be modified for snapper grouper species via the regulatory amendment process, which most often requires the development of an amendment and associated National Environmental Policy Act documents in addition to proposed and final rules with public comment periods. This process can be lengthy, and prevents fishery managers from quickly implementing harvest parameters in response to new scientific information when needed. The lag time between when new information becomes available and when catch levels can be adjusted has the potential to result in adverse impacts on the economic and biological environments. Therefore, the South Atlantic Council is considering an action in Amendment 27 to the Snapper Grouper FMP (Amendment 27) that would allow ABCs, ACLs, and ACTs to be modified by publishing a public notice in the *Federal Register*, eliminating the need for development of a regulatory amendment.

Blue Runner

For many years, South Atlantic mackerel gill net fishery participants have been selling blue runner caught in gill nets as bycatch to supplement their incomes without having a valid South Atlantic Unlimited Snapper Grouper Permit, or a valid South Atlantic 225-Pound Snapper Grouper Permit, which is a requirement under the Snapper Grouper FMP. It is likely that mackerel fishery participants were not aware that: Blue runner is included in the snapper grouper FMU; the species is managed with commercial and recreational ACLs; gill nets are not an approved gear in the snapper grouper fishery; and a restriction is in place on the sale of recreationally caught snapper grouper species under the Snapper Grouper FMP. Because some mackerel fishery participants derive up to 30% of their income from the sale of blue runner, the South Atlantic Council is considering taking action to allow fishermen who capture blue runner as bycatch while using gill nets to fish for South Atlantic mackerel species to be able to legally sell blue runner and thus minimize adverse socio-economic impacts. The option to remove blue runner from the Snapper Grouper FMP is among the alternatives being considered.

Purpose and Need

Purpose for Action

The *purpose* of Amendment 27 is ~~threefold~~: (1) to establish the South Atlantic Council as the responsible entity for managing Nassau grouper throughout its range including federal waters of the Gulf of Mexico; (2) modify the crew member limit on ~~dual-permitted snapper grouper vessels~~ vessels associated with both a South Atlantic Charter/Headboat Permit for Snapper Grouper, and a South Atlantic Unlimited or 225-Pound Permit for Snapper Grouper (referred to as "dual-permitted" vessels); (3) modify the current restriction on crew retention of bag limit quantities of snapper grouper species; (4) minimize regulatory delay when adjustments to snapper grouper species' ABC, ACLs, and ACTs are needed as a result of new stock assessments; and (5) address harvest of blue runner by commercial fishermen who do not possess a South Atlantic Snapper Grouper Permit.

Need for Action

The need of Amendment 27 is to respond to the Gulf of Mexico Council's request for the South Atlantic Council to assume management of Nassau grouper in the southeast U.S.; to address safety at sea concerns related to the current limit of three crew members for dual-permitted vessels; to make regulations regarding retention of snapper grouper species by crew members consistent for all snapper grouper species; to expedite adjustments to ABCs, ACLs, and ACTs for snapper grouper species when a new stock assessment indicates adjustments are warranted; and to minimize socio-economic impacts to fishermen without a South Atlantic Snapper Grouper Permit who harvest and sell blue runner to supplement their income.

COMMITTEE ACTION: Approve above changes to the Purpose and Need

Action 1. Extend the South Atlantic Council's area of jurisdiction for management of Nassau grouper to include the Gulf of Mexico

Alternative 1 (No Action). Nassau grouper harvest is prohibited in the South Atlantic and Gulf of Mexico. The South Atlantic Council's area of jurisdiction for management of Nassau grouper is limited to federal waters of the South Atlantic.

Alternative 2 (Preferred). The South Atlantic Council would extend its jurisdictional authority for management of Nassau grouper to include federal waters of the Gulf of Mexico. Harvest of Nassau grouper in the Gulf of Mexico exclusive economic zone (EEZ) and the South Atlantic EEZ would continue to be prohibited.

SNAPPER GROUPER AP RECOMMENDATION: The Council should request that NMFS thoroughly research the historical distribution of Nassau grouper and known spawning aggregations in the South Atlantic.

Summary of Effects

Biological

Alternative 1 (No Action) would not allow the South Atlantic Council to manage Nassau grouper, as required. However, there is no expiration date associated with the harvest prohibition currently in place. Therefore, under **Alterative 1 (No Action)** the current harvest prohibition in the Gulf of Mexico would remain. **Alternative 2 (Preferred)** is an administrative action and no changes in the biological effects would be expected as the alternative would simply allow for the South Atlantic Council to continue the harvest prohibition for Nassau grouper in the Gulf of Mexico.

Socio-Economic

If the South Atlantic Council's jurisdiction for Nassau grouper extends to the Gulf of Mexico, it is expected that there will be no economic effects as Nassau grouper are not currently targeted, nor can they be harvested in either the South Atlantic or Gulf of Mexico.

COMMITTEE ACTION:

Approve the IPT's suggested modification to Preferred Alternative 2: The South Atlantic Council would extend its jurisdictional authority for management of Nassau grouper to include federal waters of the Gulf of Mexico. Harvest of Nassau grouper in the Gulf of Mexico EEZ and the South Atlantic EEZ would continue to be prohibited.

Action 2. Modify the crew size restriction for dual-permitted snapper grouper vessels

Alternative 1 (No Action). The current limit on the number of crew members on any dual-permitted vessel (a vessel associated with both a South Atlantic Charter/Headboat Permit for Snapper Grouper and a South Atlantic Unlimited or 225-Pound Permit for Snapper Grouper) is 3.

Alternative 2. Eliminate the limit of 3 crew members for dual-permitted vessels

Alternative 3. Increase the limit to 4 crew members for dual-permitted vessels.

Summary of Effects

Biological

Maintaining the current crew limit **(Alternative 1 (No Action))**, would not address the safety-at-sea issues presented when divers are not able to properly utilize the buddy system while commercial diving as recommended in the U.S. Coast Guard diving operations manual. **Alternative 2** would address the safety-at-sea issues but may also increase the risk that dual-permitted vessels could engage in for-hire trips while commercial fishing, which is prohibited. **Alternative 3** would allow two persons to remain onboard while there are two divers in the water, thereby increasing the safety of commercial divers. Because recreational harvest of snapper grouper species is limited to the recreational ACLs, any change in the rate of harvest or vessel efficiency due to an increase in crew size, would result in neutral biological impacts.

Economic

Economic effects to the overall economy are not anticipated from the implementation of either **Alternative 2** or **3**. However, the alternatives could have economic effects on individual trip costs. Bringing on a fourth crew member or more would likely increase trip costs as a result of additional compensation for the additional crew member(s). Potential trip profitability would be weighed against safety concerns related to having additional crew members onboard in determining the value of additional crew. By allowing for more than four crew members onboard, **Alternative 2** has the potential for greater economic effects on trip costs than **Alternative 3**.

Social

Alternative 1 (No Action) would be expected to result the most significant negative social effects on fishermen working on dual-permitted vessels among the three

alternatives in this action. The current crew size limit may prohibit fishermen from maximizing efficiency on each trip and taking advantage of both the commercial and charter permits associated with the vessel. Additionally, as mentioned previously, the current crew size limit of 3 per vessel may hinder safe diving practices by not providing diving partners for each potential commercial diver. **Alternatives 2** and **3** would be expected to decrease the negative impacts of the current regulations and increase the potential benefits from safe and profitable commercial dive trips on dual-permitted vessels.

COMMITTEE ACTION: Select preferred alternative.

Action 3. Modify captain and crew retention restrictions on bag limit quantities of snapper grouper species

Proposed re-wording for Action 3: Modify bag limit restriction on snapper grouper species for captain and crew of vessels with a South Atlantic Charter/Headboat Permit for Snapper Grouper.

Alternative 1 (No Action). Captain and crew of vessels with a South Atlantic Charter/Headboat Permit for Snapper Grouper may not retain bag limit quantities of the following species in the snapper grouper fishery management unit (FMU): gag, black grouper, red grouper, scamp, red hind, rock hind, coney, graysby, yellowfin grouper, yellowmouth grouper, yellowedge grouper, snowy grouper, misty grouper, vermilion snapper, sand tilefish, blueline tilefish, and golden tilefish.

Alternative 2. Remove the snapper grouper species retention restrictions for captain and crew of vessels ~~associated~~ with a South Atlantic Charter/Headboat Permit for Snapper Grouper.

Alternative 3. Establish a bag limit of zero for captain and crew of vessels ~~associated~~ with a South Atlantic Charter/Headboat Permit for Snapper Grouper for *all* species included in the snapper grouper FMU.

Summary of Effects

Biological

Alternative 1 (No Action) would continue the biological benefits from not allowing retention of bag-limit quantities of snapper grouper species for captain and crew members of for-hire vessels. **Alternative 1 (No Action)** may result in negative biological impacts for some species that are retained by crew and should not be, and may result in biological benefits for species that are unnecessarily discarded because they are thought to have a bag limit of zero for crew members when in actuality they can be retained. The extent of biological benefits, however, would be directly related to the level of discard mortality for each particular species and the depth at which it was caught.

Alternatives 2 and **3** would both result in regulatory consistency for crewmember retention provisions for all snapper grouper species. However, **Alternative 2** would result in negative biological impacts since bag limit retention of *all* snapper grouper species (that have bag limits) would be allowed for crew members of federally-permitted for-hire vessels in the snapper grouper fishery. Also, bycatch of species with low recreational ACLs could increase and result in negative biological impacts. Conversely,

Alternative 3 would benefit the biological environment the most by prohibiting crew members of for-hire vessels from retaining *all* snapper grouper species.

Economic

Why was this regulation needed in the first place?

- At the time this regulation was implemented, vermilion snapper and gag grouper were undergoing overfishing.
- A certain reduction in harvest was needed to end overfishing of those two species
- Disallowing captain and crew on for-hire vessels to retain vermilion snapper, gag, and shallow water groupers allowed the Council to reach the appropriate percent reduction in harvest to end overfishing.

Several key issues surround the evaluation of the economic effects of the various alternatives under this action. Captains and crew of for-hire vessels provide labor services for each recreational trip and may not be strictly considered recreational anglers. If they were allowed to retain bag limits of certain snapper grouper species, the value of the retained fish would depend on their ultimate use. Captains and crew can take the fish home, give to other people (such as their angling customers), or sell them. Such actions would yield some form of economic value that cannot be adequately estimated. While the sale of recreationally caught snapper grouper species is illegal, it remains difficult to enforce. If the fish were distributed to the angling customers in one way or another, those fish may assume economic values that are comparable to economic values derived by an angler for keeping the fish. It is also possible for the captain and crew bag limit to be used for marketing purposes. Anglers could be enticed to take fishing trips if they are potentially allowed to keep fish above the bag limit. Those trips could also be assigned economic values in the form of additional revenue to the vessel. If, on the other hand, captains and crew of for-hire vessels are prohibited from retaining bag limits, those potential consumer surplus and net operating revenue values would be forgone.

Relative to **Alternative 1 (No Action)**, **Alternative 2** would be expected to result in some economic benefits. Based on a bag limit analysis done for this amendment and considering only the period 2008-2011, **Alternative 2** would result in additional 51 fish kept on charter trips and 138 additional fish kept on headboat trips. The values of these fish would be $3,887 (2011 dollars) for charter trips and $10,623 (2011 dollars) for headboat trips. In contrast to **Alternative 2**, **Alternative 3** would be expected to result in reduced economic benefits relative to **Alternative 1 (No Action)**. **Alternative 3** would result in reductions of 275 fish for charter boat trips and 4,291fish for headboat trips. The associated values for these reductions would be $21,131 (2011 dollars) and $330,321 (2011 dollars) for charter boat and headboat trips, respectively. It is not possible, however, to determine the reduction in angler trips under either **Alternative 2** or **Alternative 3**. It is only noted that angler trip reductions would result in revenue

reductions of $157.27 (2011 dollars) per charter boat angler trip and $70.25 (2011 dollars) per headboat angler trip.

Social

The existing restrictions on captain and crew bag limit retention under **Alternative 1 (No Action)** cause confusion among for-hire captains and crew since the restriction applies only to some snapper grouper species and not others. This inconsistency may also hinder effective enforcement. The opportunity to retain catch on for-hire trips, as proposed under **Alternative 2**, would be expected to be beneficial to for-hire captain and crew by providing fish for personal consumption. However, for species with low recreational ACLs (such as snowy grouper), allowing captain and crew to retain bag limits, as proposed under **Alternative 2**, may reduce the amount available to private recreational anglers. Additionally, **Alternative 2** could result in increased incentive to harvest the maximum bag limit for some species on for-hire trips, which could cause conflict among the for-hire fleet.

Alternative 3 would likely result in some negative impacts for crew who routinely take allowed bag limits for personal consumption. For several species in the snapper grouper FMU that are not overfished or experiencing overfishing, bag limit restrictions for the for-hire crew members would not be expected to result in any benefits for the fishermen and other resource users.

COMMITTEE ACTIONS:

1. Approve the IPT's suggested changes to wording of Action 3 and its alternatives:

Action 3. Modify bag limit restriction on snapper grouper species for captain and crew of vessels with a South Atlantic Charter/Headboat Permit for Snapper Grouper

Alternative 1 (No Action). Captain and crew of vessels with a South Atlantic Charter/Headboat Permit for Snapper Grouper may not retain bag limit quantities of the following species in the snapper grouper fishery management unit (FMU): gag, black grouper, red grouper, scamp, red hind, rock hind, coney, graysby, yellowfin grouper, yellowmouth grouper, yellowedge grouper, snowy grouper, misty grouper, vermilion snapper, sand tilefish, blueline tilefish, and golden tilefish.

Alternative 2. Remove the snapper grouper species retention restrictions for captains and crew of vessels ~~associated~~ with a South Atlantic Charter/Headboat Permit for Snapper Grouper.

Alternative 3. Establish a bag limit of zero for captains and crew of vessels ~~associated~~ with a South Atlantic Charter/Headboat Permit for Snapper Grouper for *all* species included in the snapper grouper FMU.

2. Select preferred alternative.

Action 4. Modify Section I of the Snapper Grouper FMP Framework procedure

Alternative 1 (No Action). Section I of the snapper grouper framework procedure, as modified through Amendment 17B, is as follows:

I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:

Procedure for Specifications:

1. At times determined by the Southeast Data, Assessment, and Review (SEDAR) Steering Committee, and in consultation with the Council and NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to F_{MSY} (MFMT) and F_{OY}; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of B_{MSY}.

2. The Council will consider SEDAR stock assessments or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The Scientific and Statistical Committee (SSC) will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT (F_{MSY}). The ABC range is intended to provide guidance to the SSC and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper population levels at or above B_{MSY} within the rebuilding periods specified by the Council and approved by

NOAA Fisheries Service. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council a B_{MSY} level and a MSST from B_{MSY}. The report may also recommend more appropriate estimates of F_{MSY} for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking in account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rational why it believes that level of fishing will not exceed MFMT.

4. The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

5. The Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:

> **a.** Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.
>
> **b.** May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council and specified by the Council through a

plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.

c. Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

6. The Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NOAA Fisheries Service Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of B_{MSY} and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

7. The Regional Administrator will review the Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.

8. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:

- **a.** ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
- **b.** ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
- **c.** AMs or sector AMs.
- **d.** Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
- **e.** The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
- **f.** New levels or statements of MSY (or proxy) and OY for any stock.

g. New levels of total allowable catch (TAC).
h. Adjust fishing seasons/years.

9. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.

a. Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector form exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
b. Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

10. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

Alternative 2 (Preferred). Modify Section I of the Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments. The modification would add the following language:

Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) Adjustment Procedure

1. Stock assessments will continue to be conducted for snapper grouper species in the management area through the SEDAR process.
2. Following the Scientific and Statistical Committee (SSC)'s review of the stock assessment and a public hearing, the Council will determine if changes are needed in the OFL, ABC, ACLs, and ACTs and so advise the Regional Director (RD).
3. Following a review for consistency with the FMP and applicable law, the RD may reject or may implement changes by notice in the *Federal Register* to be effective for the next fishing season.
4.

SNAPPER GROUPER AP RECOMMENDATION:
MOTION: THE SNAPPER GROUPER AP SUPPORTS ALTERNATIVE 2 AS A PREFERRED

Summary of Effects

Biological

This administrative action could have indirect positive biological effects in that adjustments to harvest levels would not be subject to regulatory delays as is currently the case. As such, biological benefits may result due to the ability to quickly implement appropriate levels of harvest in response to the latest scientific information in order to maintain harvest levels at or below the ACL. When stock assessments indicate large decreases in the ACLs are needed, a quick adjustment to the catch level would likely have positive biological effects. The SEDAR process currently only produces one stock assessment for a species every 3 to 5 years. As such, the data utilized in the assessment are at least one year old by the time the assessment results become available and can be used for management purposes. It is, therefore, advantageous to make any modifications to the existing management process, as proposed under **Alternative 2 (Preferred)**, to expedite fishing level adjustments for snapper grouper species.

Economic

Alternative 1 (No Action) could negatively impact the recreational and commercial fishing sectors should new data indicate that a stock had improved but the South Atlantic Council had no means to rapidly increase the ACL, resulting in loss of opportunity, income, and/or recreational angling experiences. However, if an assessment indicated a substantial decrease in the ACL was needed, **Alternative 1 (No Action)** would retain a more deliberative process of ensuring the public was well-informed regarding the needed changes in catch levels. **Alternative 2 (Preferred)** could result in positive or negative economic effects. When stock assessments indicate ACLs can be increased, quick adjustments for ACLs would allow for positive economic effects without negatively affecting the sustainability of the stock. On the other hand, when stock assessments indicate large decreases in the ACLs are needed, there would likely be negative economic effects by moving quickly with a decrease in a catch level.

Social

The process by which catch limits can be adjusted based on new information, stock assessment updates, and SSC recommendations contributes directly to benefits for the commercial and for-hire fleets, recreational anglers, businesses associated with fishing, and coastal communities. Catch limits and accountability measures can potentially have significant impacts on fishermen and communities if harvest of an important species is not allowed or closes early in the season. Although the long-term benefits may balance out these short-term negative impacts, in some situations it can be expected that fishing

behavior may change permanently; such as when a closure is implemented that limits income from fishing for a certain period of time.

IPT RECOMMENDATION:
Renumber items 1, 2, and 3 since they would actually be replacing items 4, 5 and 6 of the original framework.

COMMITTEE ACTION: NOAA GC to provide guidance on whether Preferred Alternative 2, as currently written, is appropriate.

Action 5. Modify placement of blue runner in a fishery management unit and/or modify management measures for blue runner

Alternative 1 (No Action). Blue runner are managed under the Snapper Grouper FMP. A federal South Atlantic Unlimited or 225 Snapper Grouper Permit is required to commercially harvest and sell blue runner. A federal Commercial Dealer Permit is required to purchase blue runner. The commercial ACL for blue runner is 188,329 pounds ww and the commercial allocation is 15% of the total ACL. If the commercial ACL is met or is projected to be met, all subsequent purchase and sale is prohibited. If the commercial ACL is exceeded, the Regional Administrator will publish a notice to reduce the ACL in the following season by the amount of the overage, but only if the species is overfished.

The recreational ACL for blue runner is 1,101,612 ww. There is a recreational ACT for blue runner, which equals ACL*(1-percent standard error) or ACL*0.5, whichever is greater. If the annual recreational landings exceed the recreational ACL in a given year the following year's landings will be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the recreational fishing season as necessary. Sale of recreationally harvested blue runner from federal waters is prohibited (must have a South Atlantic Unlimited or 225 lb permit to sell blue runner).

Alternative 2. Remove blue runner from the Snapper Grouper FMP.

Alternative 3. Retain blue runner in the Snapper Grouper FMP but allow commercial harvest and sale of blue runner for vessels associated with a commercial Spanish Mackerel Permit or a South Atlantic Unlimited or 225-Pound Permit for Snapper Grouper. Gill nets are an allowable gear for only blue runner in the snapper grouper fishery.

Alternative 4. Retain blue runner in the Snapper Grouper FMP but exempt it from the Snapper Grouper permit requirement for purchase, harvest, and sale.

SNAPPER GROUPER AP RECOMMENDATION:
MOTION: THE AP SUPPORTS REMOVING BLUE RUNNER FROM THE SG FISHERY MANAGEMENT UNIT
APPROVED (1 OPPOSED)

SSC RECOMMENDATION: The ACL for blue runner is rather high compared to the landings in gill nets. The SSC would like to see this again in April with more analyses and in a more finalized format.

Summary of Effects

Biological

South Atlantic commercial snapper grouper and mackerel fishermen do not commonly target blue runner. Blue runner constituted less than 3% of the total commercial snapper grouper harvest and less than 3% of the mackerel harvest in the South Atlantic from 2000 to 2011 (**Table S-1**). However, blue runner is often caught as bycatch in the mackerel fishery, and some mackerel fishermen sell incidentally caught blue runner as baitfish. Under **Alternative 1 (No Action),** blue runner would continue to be part of the Snapper Grouper FMU. Only fishermen with a valid South Atlantic Unlimited Snapper Grouper Permit or 225-Pound Permit would be legally allowed to commercially harvest them from federal waters and those entities could sell blue runner only to dealers with a valid commercial Snapper Grouper Dealer Permit. It should be noted that the sale of recreationally harvested snapper grouper species was prohibited in 2009.

Table S-1. Total annual landings (pounds whole weight) of snapper grouper species, mackerel (king and Spanish), and total landings of blue runner (pounds whole weight) in the South Atlantic from 2000 to 2011.

Year	Total snapper grouper	Total Mackerel	Total blue runner	Percent SG blue runner	Percent Mackerel blue runner
2000	9,314,188	6,092,744	156,832	1.68%	2.57%
2001	8,759,531	6,074,566	158,453	1.81%	2.61%
2002	8,276,934	5,581,737	132,756	1.60%	2.38%
2003	6,421,749	6,563,229	108,412	1.69%	1.65%
2004	9,002,185	6,963,918	149,080	1.66%	2.14%
2005	8,104,573	7,009,838	128,773	1.59%	1.84%
2006	7,433,209	7,912,722	155,450	2.09%	1.96%
2007	7,440,210	7,636,726	130,939	1.76%	1.71%
2008	8,553,781	7,188,949	192,593	2.25%	2.68%
2009	8,959,344	8,549,078	259,387	2.90%	3.03%
2010	8,402,187	8,843,515	223,954	2.67%	2.53%
2011	7,981,696	7,514,259	237,028	2.97%	3.15%

Source: NMFS SEFSC

In the South Atlantic, there is a robust live bait fishery for blue runner. Blue runner are harvested live as baitfish for pelagic and king mackerel recreational fishing; however, the majority of this activity takes place in state waters by non-federally permitted recreational fishermen. Therefore, those landings of blue runner would be captured by the Marine Recreational Information Program (MRIP) and counted against the recreational ACL.

Alternative 2 would remove blue runner from the Snapper Grouper FMU. Blue runner would no longer be under federal management and harvest (commercial and recreational) would not be constrained by federal ACLs. The biological effects of removing blue runner from the Snapper Grouper FMU may be negative if the species' management is not assumed by another entity, such as the state of Florida. With no management measures in place for blue runner harvest could continue unrestrained, which may negatively impact the stock.

Neither **Alternatives 3** nor **4** propose changes that would result in biological impacts to the blue runner stock in the South Atlantic. Both alternatives propose administrative changes to allow the harvest of bluer runner to continue as it has been taking place for over a decade. Hence, no significant impacts over the status quo would be expected. Currently, gillnets are a prohibited gear type in the snapper grouper fishery. However, an indirect impact could result from the removal of a permit requirement for blue runner, as proposed under **Alternative 4**. The species would still require federal management but there would be no mechanism in place for NOAA to reliably collect effort data (i.e., logbook program) to support future stock assessments. Also, if snapper grouper permit holders are allowed to target blue runner with gillnet gear, as would occur under **Alternatives 3** and **4**, they could incidentally capture Spanish mackerel. If those fishermen do not also hold a commercial Spanish mackerel permit, then those mackerel would have to be thrown back potentially causing some discard mortality of Spanish mackerel that was not occurring prior.

If gillnets were added as an allowable gear type for blue runner under the Snapper Grouper FMP, an Endangered Species Act (ESA) consultation would need to be reinitiated for the Snapper Grouper FMP to analyze the potential impacts gillnets could have on ESA-listed species.

Economic

Alternative 3 would allow harvest of blue runner with gillnet gear by fishermen with Snapper Grouper or Spanish Mackerels Permits, and continue to allow Spanish mackerel fishermen and snapper grouper fishermen to harvest and sell blue runner. This would have positive socio-economic impacts in that fishermen who have depended on the extra income from the sale of blue runner would be allowed to continue to do so legally. Negative socio-economic impacts may result from the current requirement that snapper grouper species be sold only to a licensed snapper grouper dealer. However, the South Atlantic and Gulf of Mexico Councils have approved an amendment that, if approved by the Secretary of Commerce, would implement a generic dealer permit for multiple fisheries including snapper grouper and mackerel, thereby alleviating this potential negative socio-economic impact.

Alternative 4 would allow anyone to harvest and sell blue runner, regardless of whether or not they had a valid South Atlantic Unlimited or 225-Pound Snapper Grouper Permit. However, this option would not remove the gillnet prohibition for harvest of species in the snapper grouper FMU, which could negatively impact small fishing businesses that

depend on the blue runner gillnet landings during part of the year. Additionally, current snapper grouper permit holders may experience indirect economic effects due to lost opportunity. The permit would no longer allow them exclusive rights to harvest blue runner over any other fisherman. In this regard, **Alternative 4** would result in more negative effects than **Alternative 2**.

Social

While blue runner is not an economically significant species in the snapper grouper commercial fishery or to the fishing communities of the South Atlantic region, there are some vessels that catch blue runner with gillnets while harvesting Spanish mackerel, particularly around Cape Canaveral. The fishermen working on these vessels may be dependent on blue runner catch during the late summer and early fall. It is likely that these are small operations and blue runner landings represent a significant part of their income. **Alternative 1 (No Action)** would have negative impacts on the small vessels that currently only have Spanish mackerel permits by either requiring each fisherman to purchase two South Atlantic Snapper Grouper Unlimited Permits and maintaining permit fees, or by no longer being allowed to legally land and sell blue runner. Additionally, any dealers who depend on supply of blue runner during late summer and early fall would also be affected. Removing blue runner from the Snapper Grouper FMU (**Alternative 2)** would be beneficial to fishermen without Snapper Grouper permits who harvest blue runner with gillnet because it would not require an additional permit and would allow harvest with gillnet. This would also be expected to have no negative impacts on fishermen with Snapper Grouper Permits who harvest blue runner with hook-and-line. **Alternative 3** may negatively impact fishermen in that the sale of blue runner would be limited to dealers possessing a Snapper Grouper Commercial Dealer Permit. However, as previously mentioned, a generic amendment that would implement a single dealer permit for multiple fisheries is pending Secretarial approval. **Alternative 4** would not place the additional burden on gillnet fishermen of acquiring a Snapper Grouper permit but would also not remove the gillnet prohibition for harvest of blue runner, which could negatively impact small fishing businesses that depend on the blue runner gillnet landings during part of the year.

IPT'S RECOMMENDATIONS:

- Approve the insertion of the word "commercial" before "Spanish mackerel permit" in Alternative 3

- Gill nets are prohibited gear under the snapper grouper Biological Opinion and adding this gear would require re-initiation of section 7 consultation to assess how that gear type could affect protected species.

- Alternative 3 may necessitate an amendment to the CMP FMP.

- The South Atlantic Council may want to specify the type of gill nets that will be allowable in the snapper grouper fishery. There are many types of gill nets, but

only specific ones are allowed in the mackerel fishery (i.e., run around gill nets and some other types of nets with special mesh sizes).

- The South Atlantic Council may want to specify the number of gill nets allowed, float line length and soak time. Mackerel fishermen are only allowed to possess two gill nets at one time. They also have specific float line length limits and a one-hour soak time limit.

- Alternative 3 could be problematic by allowing fishermen with snapper grouper permits to only target blue runner with gill nets. Seems like this could create the same problem that the South Atlantic Council is trying to get rid of. This would create additional bycatch. One possible solution would be to modify the last sentence of Alternative 3 to state "Gill nets are an allowable gear type for only blue runner in the snapper grouper fishery for vessels that have a Spanish mackerel permit."

- If the permit requirement for blue runner is removed, as proposed under Alternative 4, but the species still requires federal management, there will be no mechanism in place for NOAA to reliably collect effort data (i.e., logbook program) to support future stock assessments. This problem was encountered with cobia.

COMMITTEE ACTIONS:

- Consider IPT's recommendations and take action as appropriate.
- Select preferred alternative.