



Amendment 22

to the Snapper Grouper Fishery
Management Plan
of the South Atlantic Region

Options Paper



September 2012

Background

Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Amendment 22) is being developed to maintain annual harvest levels of red snapper at or below the annual catch limit (ACL) based on projections generated through the latest Southeast Data, Assessment, and Review (SEDAR) process (SEDAR 24 2010) and maintain the stock's rebuilding trajectory. In order to accomplish this, the South Atlantic Fishery Management Council (Council) requested that an amendment be developed to create a tag program for red snapper. Fishery participants would be issued red snapper tags through a pre-determined process implemented by NOAA Fisheries Service. Tags issued to individuals or entities would allow the tag holder to harvest a set number of red snapper from federal waters in the South Atlantic region. The number of red snapper available for harvest in a given year would be determined by the latest stock assessment annual projections, taking into consideration any overages from previous years.

Council staff also recommends including actions to establish a recreational tag program to better monitor the recreational harvest of golden tilefish, snowy grouper and wreckfish. A recreational ACL is currently in place for golden tilefish and snowy grouper (1,578 fish and 523 fish, respectively) and for wreckfish (11,750 pounds whole weight). Regulatory Amendment 12 to the Fishery Management Plan for the Snapper Grouper fishery of the South Atlantic region proposes to increase the recreational ACL for golden tilefish to 3,091 fish. The golden tilefish recreational ACL has been exceeded two years in a row. According to guidelines, if overages of the ACL occur twice in a row, then managing agencies should reassess the corresponding accountability measures.

***IPT Note:** Some members of the IPT have expressed concern that expanding the tag program to species other than red snapper may slow down implementation of long-term management for red snapper.*

A Notice of Intent (NOI) to Prepare a Draft Environmental Impact Statement for Amendment 22 was published on January 3, 2011, [76 FR 101]. The NOI listed several options the Council could consider when addressing long-term management for red snapper including trip limits, bag limits, a catch share program, temporal and spatial closures including those to protect spawning stocks, a tag program, and gear prohibitions. A scoping document with these management options, including the proposed tag program, was taken out to public scoping in January/February 2011. The Council subsequently chose to defer action on Amendment 22, mainly due to strong opposition to the option for a red snapper catch share program that was part of the scoping document. In January/February 2012, the South Atlantic Council held public scoping for the Comprehensive Ecosystem-based Amendment 3 (CE-BA 3), including a tag program for deepwater snapper grouper species. The measure was removed from the amendment, however, due to timing concerns because the Council felt the need to obtain more information about tag programs currently administered through the states.

***IPT Note:** The IPT requests clarification as to whether or not it is the Council's intent to do an emergency rule to allow some harvest of red snapper each year until the long-term management regime (the tag program) for red snapper is implemented.*

Possible Actions in Amendment 22

Action 1. Establish a tag program for South Atlantic red snapper and specify criteria for tag use.

Action 2. Determine sector allocations for red snapper tag distribution.

Action 3. Establish an annual red snapper tag issuance process.

Action 4. Establish a recreational tag program for South Atlantic deepwater species (snowy grouper, golden tilefish and wreckfish) and specify criteria for tag use.

Action 5. Establish an annual deepwater species recreational tag issuance process.

Proposed Timeline

- Options Paper for September 2012 Council meeting
- Council provides guidance at September 2012 Council meeting – choose preferreds, if applicable, and approve for public hearings at September or December meeting
- Hold public hearings in Jan/Feb 2013
- Council review public input at March 2013 meeting
- Approve for submission in March or June 2013
- Regulations implemented in late 2013

Proposed Purpose and Need

The *purpose* of Amendment 22 is to establish a red snapper tag program that would allow tag holders to harvest a specified number of red snapper each year and to establish a deepwater species (snowy grouper, golden tilefish and wreckfish) recreational tag program.

The *need* for action in Amendment 22 is to achieve optimum yield for red snapper without exceeding the specified overfishing level through control of the allowable harvest of red snapper in the South Atlantic via a tag program. Such a program is intended to help maintain harvest levels at or below the ACLs, and gather fishery-dependent data for the red snapper component of the snapper grouper fishery. Recreational ACLs are in place for snowy grouper, golden tilefish, and wreckfish. A tag program is needed to better monitor the recreational ACL for these deepwater species and prevent ACL overages. A tag program for red snapper and deepwater snapper grouper species would constrain harvest to sustainable levels while ensuring fairness and equitability of access to fishing opportunities for the subject species.

Considerations for Developing Actions and Alternatives

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

Before any actions and alternatives are developed, however, the Council must provide further guidance based on the criteria below.

First, the Council should identify the primary characteristics desired in a tag program. Then staff would develop a proposed program that the Council can adopt as a package.

I. Commercial or Recreational tag program for red snapper?

It would be logical to treat them separately. If so, recreational tags should be different than commercial and not be allowed to be sold OR the Council could adopt a tag program for the recreational sector and manage commercial harvest differently, i.e. limited openings. If the tag program is implemented only for the recreational sector, then it would not complicate a catch share program for the commercial sector, if the Council were to consider one in the future.

II. Recreational Tag Program Primary Characteristics (for red snapper and deepwater species):

***IPT Note:** Below is a list of tag program elements that were considered as the IPT developed the actions and alternatives in this options paper. Most of the characteristics have been incorporated into the following actions and alternatives; however, some aspects of the program require further Council discussion or are administrative decisions that may be addressed after a suite of alternatives is established.*

1. Who may apply?
 - Must they be licensed anglers?
 - If so, what license, which states, who verified, etc.? Perhaps use a disclaimer: “possession of red snapper tag does not exempt the individual from applicable fishing licenses and permits.”
2. What agency(ies) will issue tags?
 - NOAA Fisheries
 - States
3. What would the tags look like?
 - Non-removable
 - 1-time use tags (i.e., affixed to jaw) that would be issued once per fishing year
 - Designed in such a way that prevents high grading
4. Would the tags be transferrable? (consider the conservation/data benefit)
 - If full transferability is allowed, then a market will develop and security measures will become an important consideration
 - Who would tags be issued to; ie., the vessel, the person, the license, the permit?
5. Should tags have any additional regulatory requirements?
 - Season
 - Size limit
 - Bag limit

(Consider the conservation/data benefit of any such requirements. Would they offset the complexity? Goal is to move fish from discard to catch...any dedicated regulations would disrupt this)
6. What would be the reporting requirements?
 - Does Council desire a mechanism that allows counting tags used each year? (report unused tags)

- Should there be a data form (similar to the HMS “Catch Card”) that must be filled out and turned in for each tag in order to get more tags the following year? Should the information be required to be submitted online?
 - Should there be check-in sites where data can be gathered and recreational tags usage would be recorded?
7. What data would be required to be provided?
- Length is generally uninformative of age, so otoliths are needed
 - Council could specify that a representative sample of age composition be secured, leave it up to the SEFSC and states to cooperatively figure it out?
 - Date of landing, tag number, permit/license number, vessel name and number....
 - Other?
8. Will there be a fee?
9. How would the tags be issued?
- Should one tag be issued per individual or per entity (i.e., corporation)?
 - Should it depend on number of tags vs. number of applicants? If so, then there would need to be a certain period of time during which people can apply.
 - If # applicants < # tags: Each applicant would receive an equal number of tags, until there are fewer tags than applicants. At that point, a drawing would be held without replacement to allocate remainder. Example:
 - 99 applicants and 100 tags: All receive 1 (99 allotted), lottery for last tag.
 - 49 applicants and 100 tags: All receive 2 (98 allotted), 2 distributed through lottery.
 - If # applicants < # tags: Tags could be issued on a first-come first-serve basis until they are all distributed.
 - If # applicants > # tags: Initial equal allocation not applicable. All tags allotted through a lottery without replacement. Example:
 - If more applicants than tags then use lottery with no replacement.
 - If less applicants than tags then use lottery with replacement.
 (The downside to this is there is chance some will receive several tags and others would receive no tags. The first option ensures everyone receives a tag if possible, and that no one receives more than 1 tag more than anyone else)
 - Excess tags could also be issued on a first-come first-serve basis.
 - Does the Council want tags distributed as evenly as possible, or to rely solely on luck of the draw?
 - Would tags be available to residents of other states? If so, would their fee be higher? Would South Atlantic residents get priority?
 - If someone does not win a lottery tag one year, would they get priority the next year when they enter the lottery (some states do this for wildlife tags)?

Potential Actions and Alternatives

Action 1. Establish a tag program for South Atlantic red snapper and specify criteria for tag use

Alternative 1 (No Action). Do not establish a tag program for red snapper. The red snapper annual catch limit (ACL) equals zero (landings only). Red snapper may not be harvested or possessed in or from the South Atlantic exclusive economic zone (EEZ). The 20-inch TL minimum size limit and inclusion in the 10 fish snapper combined bag limit are currently not in effect as red snapper may not be harvested or possessed in or from the South Atlantic EEZ. The commercial and recreational allocations of red snapper are 28.07% and 71.93%, respectively. The accountability measures (AM) for red snapper are as follows:

- (1) Track CPUE of red snapper via a fishery-independent monitoring program to track changes in biomass and take action to end overfishing if assessment indicates progress is not being made.
- (2) Track the biomass and CPUE through fishery-dependent sampling.
- (3) CPUE would be evaluated every three years and adjustments would be made by the framework action.

NOTE: If the emergency rule is implemented in 2012, the following would be included in Alternative 1 (No Action):

A temporary red snapper ACL of 13,067 fish is currently in effect. The commercial and recreational ACLs are 3,668 fish (or 20,818 lbs gutted weight) and 9,399 fish, respectively. The sector ACLs were calculated using established sector allocations.

A seven-day opening for 2012 for the commercial sector is in effect beginning on Monday following the first recreational three-day opening. NMFS would evaluate data to determine if any additional days can be open in 2012. The specification of the length of the opening and the monitoring of landings to determine if the commercial sector can re-open in 2012 would be the temporary AM for 2012.

The recreational ACL is harvested during two weekend-only (Friday, Saturday, Sunday) openings. NMFS would evaluate data to determine if any additional days can be open in 2012. The specification of the length of the opening and the monitoring of landings to determine if the recreational sector can re-open in 2012 would be the temporary AM for 2012.

Alternative 2. Establish a tag program for the commercial sector of the red snapper component of the snapper grouper fishery that would specify the following criteria:

The Council would specify the individual criteria, for instance:

- Tags would be issued annually and be non-removable and non-transferrable.
- Each tag would be associated with a catch card that would be returned to the Southeast Fisheries Science Center when a red snapper is harvested. Non-compliance with the reporting requirement would preclude the fishery participant from applying for a tag the next year.
- Red snapper tags could be used to harvest red snapper annually between the months of [insert time period].
- Red snapper harvested using a tag must be [insert size limit].
- Others???

Alternative 3. Establish a tag program for the recreational sector of the red snapper component of the snapper grouper fishery that would specify the following criteria:

The Council would specify the individual criteria as above.

Alternative 4. Establish tag programs for the private recreational and for-hire sectors of the red snapper component of the snapper grouper fishery that would specify the following criteria:

The Council would specify the individual criteria as above.

Action 2. Determine sector allocations for red snapper tag distribution

Alternative 1 (No Action). Do not specify a tag allocation for the commercial and recreational sectors. Tags would be allocated according to the current red snapper ACL allocation formula in which the commercial sector would receive 28.07 percent and the recreational sector would receive 71.93 percent.

Alternative 2. Allocate X% or number of tags to the commercial sector, and X% or number of tags to the recreational sector of the red snapper component of the snapper grouper fishery.

Alternative 3. Allocate X% or number of tags to the commercial sector, X% or number of tags to the for-hire sector, and X% or number of tags to the private recreational sector of the red snapper component of the snapper grouper fishery.

Alternative 4. Allocate X% or number of tags to the for-hire sector and X% or number of tags to the private recreational sector of the red snapper component of the snapper grouper fishery.

Alternative 5. Allocate all red snapper tags to the recreational sector of the snapper grouper fishery.

Action 3. Establish an annual red snapper tag issuance process

Alternative 1 (No Action). Do not establish an annual process for issuing red snapper tags. There is no tag program for red snapper in the South Atlantic region.

Alternative 2. Red snapper tags would be made available through a lottery system implemented by NOAA Fisheries. The lottery would be open to residents of all states.

Sub-Alternative 2a. Lottery entrants who are not issued a red snapper tag one year, would be prioritized in the lottery system the following year (maybe they could be entered twice automatically).

Sub-Alternative 2b. Residents of non-South Atlantic states would pay X% more than residents of South Atlantic states for red snapper tags.

Sub-Alternative 2c. Residents of all states would pay the same amount for red snapper tags.

Sub-Alternative 2d. Tags would be free for all fishery participants who are issued a red snapper tag through the lottery.

Sub-Alternative 2e. Tags would be free for all residents of South Atlantic states, and a fee would be charged to residents of non-South Atlantic states.

Alternative 3. Red snapper tags would be made available through a lottery system implemented by NOAA Fisheries. The lottery would be open to residents of South Atlantic states, NC, SC, GA, and FL.

Sub-Alternative 3a. Lottery entrants who are not issued a red snapper tag one year, would be prioritized in the lottery system the following year (maybe they could be entered twice automatically).

Sub-Alternative 3b. Tags would be free for all South Atlantic state residents who are issued a red snapper tag through the lottery.

Sub-Alternative 3c. A fee would be charged to all South Atlantic state residents who are issued a red snapper tag through the lottery.

Alternative 4. Red snapper tags would be made available through a lottery system implemented by NOAA Fisheries Service. The lottery would be open to residents of any state who hold a recreational fishing license from a South Atlantic state.

Sub-Alternative 4a. Lottery entrants who are not issued a red snapper tag one year would be prioritized in the lottery system the following year (maybe they could be entered twice automatically).

Sub-Alternative 4b. Residents of non-South Atlantic states would pay X% more than residents of South Atlantic states for red snapper tags.

Sub-Alternative 4c. Residents of all states would pay the same amount for red snapper tags.

Sub-Alternative 4d. Tags would be free for all fishery participants who are issued a red snapper tag through the lottery.

Sub-Alternative 4e. Tags would be free for all residents of South Atlantic states, and a fee would be charged to residents of non-South Atlantic states.

IPT Note: In January/February 2012, the South Atlantic Council held public scoping for the Comprehensive Ecosystem-based Amendment 3 (CE-BA 3), including a tag program for deepwater snapper grouper species. The measure was removed from the amendment, however, due to timing concerns because the Council felt the need to obtain more information. Council staff recommends the Council consider actions that would implement a recreational tag program for snowy grouper, golden tilefish, and wreckfish to maintain recreational harvest of these species at or below the ACLs. The following actions and alternatives relate to the establishment of a recreational tag program for deepwater snapper grouper species should the Council decide to include them in this amendment.

Action 4. Establish a recreational tag program for South Atlantic deepwater species (snowy grouper, golden tilefish and wreckfish) and specify criteria for tag use.

Alternative 1 (No Action). Do not establish a recreational tag program deepwater snapper grouper species (snowy grouper, golden tilefish, and wreckfish). Currently, the recreational regulations for each species are as follows:

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

Alternative 2. Establish a recreational tag program for the following deepwater snapper grouper species.

Golden Tilefish: (*pending approval of Regulatory Amendment 12*) The recreational ACL is 3,019 fish and harvest is limited to one per vessel per day. If recreational landings for golden tilefish, as estimated by the SRD, meet or are projected to meet the recreational ACL of 3,019 fish, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. If recreational landings for golden tilefish, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

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

Alternative 2. Establish a recreational tag program for deepwater snapper grouper species (snowy grouper, golden tilefish and wreckfish) that would specify the following criteria:

The Council would specify the individual criteria, for instance:

- Tags would be issued annually and be non-removable and non-transferrable.
- Each tag would be associated with a catch card that would be returned to the Southeast Fisheries Science Center when a deepwater snapper grouper species (snowy grouper, golden tilefish or wreckfish) is harvested. Non-compliance with the reporting requirement would preclude the fishery participant from applying for a tag the next year.
- Tags could be used to harvest deepwater snapper grouper species (snowy grouper, golden tilefish and wreckfish) annually between the months of [insert time period].
- Others???

NOTE: Alternative 2 could be broken out into individual alternatives for each species to give the Council the option of choosing different criteria for each type of tag. The administrative burden of doing so, however, would increase significantly...

Action 5. Establish an annual deepwater species recreational tag issuance process

Alternative 1 (No Action). Do not establish an annual process for issuing recreational deepwater snapper grouper tags. There is no recreational tag program for deepwater snapper grouper species (snowy grouper, golden tilefish, and wreckfish) in the South Atlantic region.

Alternative 2. Recreational deepwater snapper grouper tags would be made available through a lottery system implemented by NOAA Fisheries. The lottery would be open to residents of all states.

Sub-Alternative 2a. Lottery entrants who are not issued a recreational deepwater snapper grouper species tag one year, would be prioritized in the lottery system the following year (maybe they could be entered twice automatically).

Sub-Alternative 2b. Residents of non-South Atlantic states would pay X% more than residents of South Atlantic states for recreational deepwater snapper grouper tags.

Sub-Alternative 2c. Residents of all states would pay the same amount for recreational deepwater snapper grouper tags.

Sub-Alternative 2d. Tags would be free for all fishery participants who are issued a recreational deepwater snapper grouper tag through the lottery.

Sub-Alternative 2e. Recreational deepwater snapper grouper tags would be free for all residents of South Atlantic states, and a fee would be charged to residents of non-South Atlantic states.

Alternative 3. Recreational deepwater snapper grouper tags would be made available through a lottery system implemented by NOAA Fisheries. The lottery would be open to residents of South Atlantic states, NC, SC, GA, and FL.

Sub-Alternative 3a. Lottery entrants who are not issued a recreational deepwater snapper grouper tag one year, would be prioritized in the lottery system the following year (maybe they could be entered twice automatically).

Sub-Alternative 3b. Recreational deepwater snapper grouper tags would be free for all South Atlantic state residents.

Sub-Alternative 3c. A fee would be charged to all South Atlantic state residents who are issued a recreational deepwater snapper grouper tag through the lottery.

Alternative 4. Recreational deepwater snapper grouper tags would be made available through a lottery system implemented by NOAA Fisheries Service. The lottery would be open to residents of any state who hold a recreational fishing license from a South Atlantic state.

Sub-Alternative 4a. Lottery entrants who are not issued a recreational deepwater snapper grouper tag one year, would be prioritized in the lottery system the following year (maybe they could be entered twice automatically).

Sub-Alternative 4b. Residents of non-South Atlantic states would pay X% more than residents of South Atlantic states for recreational deepwater snapper grouper tags.

Sub-Alternative 4c. Residents of all states would pay the same amount for recreational deepwater snapper grouper tags.

Sub-Alternative 4d. Recreational deepwater snapper grouper tags would be free for all fishery participants.

Sub-Alternative 4e. Recreational deepwater snapper grouper tags would be free for all residents of South Atlantic states, and a fee would be charged to residents of non-South Atlantic states.