

Information Paper for South Atlantic Fishery Management Council Discussions Regarding Short-term Changes to Management in Response to the Pandemic

June 2020

Background

Pandemic-related closures began in the South Atlantic region in mid-March 2020. As a result, fishermen, their communities, and fishing-related businesses have encountered unprecedented challenges. To begin to understand the impacts the pandemic has had on stakeholders in the region, the South Atlantic Fishery Management Council (Council) reached out to advisory panels and other interested parties with a request to provide information via an online form. Summarized results of this information-gathering exercise are in ***Attachment 1*** of the Snapper Grouper Committee June 2020 briefing material.

In addition, the Council later requested input, also via an online form, on possible short- and long-term changes to current management in the region that would help offset impacts from the pandemic on fishermen, communities, and fishing-related businesses. This information paper summarizes the input obtained from various stakeholders, including commercial, for-hire, and recreational fishermen, seafood dealers and wholesalers, and other persons involved in fishing-related activities and/or businesses and presents additional information intended to assist the Council in their discussions.

The Council may consider requesting that the National Marine Fisheries Service implement temporary measures via emergency action, provided the criteria for such a request are met (see **Appendix 1**). A temporary rule is effective for 180 days and can be extended for an additional 180 days.

Summary of Stakeholder Input

The summary presented here is from input obtained from May 15 through June 1. Fifteen individuals provided feedback and suggested the following potential changes to Council-managed fisheries. Suggestions are summarized by sector and include both short- and long-term recommendations.

Commercial Sector

- One stakeholder from North Carolina involved in commercial fishing recommended making no changes to commercial fishing regulations. However, he maintains there has been a delay in confirmation from logbook reporting and, consequently, he recommends an extension for permit renewals. He notes an increase in demand for 1-2 lb Vermilion

Snapper. He claims that prices on larger species (e.g., grouper, King Mackerel and Greater Amberjack) are down by around 20% due to lack of demand since they are mostly sold to restaurants.

- One commercial representative from Florida recommended maintaining current commercial regulations.
- A commercial lobster fisher offered that recent declines in that fishery are tied to factors other than the current pandemic (e.g., tariffs, climate change) and offered no suggestions for management changes.

For-Hire Sector

- A charter fisherman from Florida suggested suspending the annual closure for Shallow-Water Grouper and allowing fishing in the Warsaw Hole Spawning Special Management Zone.
- A fisherman from Florida who engages in commercial, for-hire, and recreational fishing suggested that the Council consider delaying the requirement for electronic reporting for charter vessels and headboats.
- A charter captain from South Carolina indicated that lengthening the red snapper season would be extremely helpful for his industry.
- A fisherman from Florida who engages in commercial, for-hire, and recreational fishing requested that the Council consider allowing bag-limit sale of dolphin by dual-permitted vessels. Such vessels may hold permits in limited-access commercial fisheries (snapper grouper and mackerel) or dolphin wahoo (open access) in addition to the federal charter/headboat permit.
- A charter captain from the Florida Keys suggested that the Council consider separating the for-hire sector from the recreational sector and allow for-hire operations to sell their catch, perhaps within a time limit.

Private Recreational Sector

- An angler from North Carolina suggested opening harvest of red grouper in the Carolinas in May in 2021. Recent regulatory changes extended the annual closure of red grouper off the Carolinas through May.
- A stakeholder recommended no specific short-term changes as he maintains the main impacts to private recreational anglers have stemmed from limited access to coastal areas, public boat ramps and marinas, etc.
- An angler from Florida recommends allowing fishing in closed areas as long and fishermen abide by current regulations.
- A private recreational angler from Florida offered that fisheries management should not change in response to the pandemic and the priority should always be maintaining sustainable and healthy fisheries based on sound science.

- A private recreational angler from North Carolina suggested extending recreational seasons if the pandemic were to continue to impact fishing into the future.

Commercial Landings

To determine candidate species for short-term adjustments to commercial management measures, the average percent of the commercial ACL that was landed from 2016 through 2018 was considered as a potential method to classify species into different groups to aid in the discussion of actions. Species were divided into 3 groups based on the average percent of the commercial ACL harvested from 2016-2018: less than 50% of the ACL landed, 50-94% of the ACL landed, and over 94% of the ACL landed. The percent of the total ACL harvested in 2019 is also included in the summary tables, to provide information on recent fishery performance. Finally, the rate of harvest under the compromised conditions of 2020 is compared to the rate of harvest in at this point in the year during 2016-2018, as a potential metric of how the pandemic has impacted landings so far this year.

Species with less than 50% of their respective ACL harvested during that period may need substantial changes in management to address the long-term underharvest of their ACLs (see **Table 2-1** in **Appendix 2**), and may also need consideration of social and economic issues that may contribute to landings remaining well below limits. These species are not discussed further in this document, but information is included in the appendix for reference. The Council is also free to consider changes for the stocks. The other two groups are discussed below.

Stocks Landing 50-94% of the Commercial ACL

Species whose landings averaged between 50% and 94% of their ACLs from 2016 through 2018 (**Table 1**) could have minor adjustments to management that could potentially lead to a higher percentage of their ACL being harvested. However, since these species have not been achieving their ACL, a combination of short-term and long-term measures might be needed. Species in this category include Black Grouper, Gag, Mutton Snapper, Porgies, Scamp, Red Porgy, Red Snapper, and Wahoo. Included in **Table 1** is also the percent of the commercial ACL landed during January through May/June from 2016 through 2018 to compare to the percentage of the commercial ACL that has been landed thus far in 2020 (orange column).

A closer look at these species is helpful for further narrowing the candidates for emergency actions. For instance, several of them are shallow water groupers, many members of which appear to be struggling with low abundance. Trends in fishery independent data indicate that the abundance of several shallow-water groupers (e.g., Gag, Red Grouper, and Scamp) has been declining in recent years, the rebuilding plan for Red Grouper was recently revised due to a lack of adequate rebuilding progress, and the trend in abundance is supported by the low percentage of ACL being harvested. Adjusting management measures temporarily to increase commercial harvest of these species may not be prudent at this time, and it may in fact be difficult to increase harvest in light of the declining abundance suggested in the survey data.

The South Atlantic Red Porgy stock assessment indicates the stock is overfished and undergoing overfishing (SEDAR 60 2019). Therefore, emergency action for Red Porgy could have negative impacts to the stock.

Red Snapper is another stock in a rebuilding plan with limited directed harvest allowed. While the ACL was not met in 2017, since then landings have come much closer. In 2018 and 2019, the Red Snapper ACL was met after harvest started in July. The 2018 season extended into November, with a brief reopening in December, while in 2019 the ACL was met much more quickly and the season closed on August 30. Given fishery performance of the past few years, there is no reason to expect that the commercial Red Snapper ACL will not be met under existing regulations.

This leaves a small group of species from **Table 1** for which commercial management measures could potentially be adjusted: Mutton Snapper, Porgies, and Wahoo. The landings of Mutton Snapper do not appear to have been impacted by the pandemic as the percent of the ACL met on May 11, 2020 is similar to the percent of the ACL harvested by May 13, 2019. However, given that only 68% of the Mutton Snapper ACL was met in 2019, and nearly 80% of the 2020 ACL is still available at the mid-point of the year, the Council may want to consider increasing the Mutton Snapper trip limit for the remainder of 2020. The Porgies Complex does not have a trip limit, size limit, or bag limit; therefore, it is not clear what emergency action the Council could take to harvest an additional portion of the ACL. The landings of Wahoo on May 11, 2020 are about 50% less than landings that were reported by May 11, 2020. Changes to management measures for Wahoo could be considered to increase harvest during the second half of the year. Given there is no size limit or season for Wahoo, the Council may wish to consider increasing the trip limit temporarily. A summary of commercial management measures currently in place for these species, and others, are in **Table 2-2** in **Appendix 2**.

Table 1. Commercial landings relative to 2020 and 2019 ACLs and the percent landed for species that averaged 50% to 94% of their commercial ACLs from 2016 through 2018. The average percent of the ACLs landed from January through May/June in 2016-2018 is also included and is highlighted in yellow. Source: NMFS SERO and SAFMC.

Species Complex	Fishing Year	Units	2020 ACL	Landings 05/11/20	% Current ACL	% av. 2016-2018 ACL landed Jan-May	% av. 2016-2018 ACL	2019 ACL	Landings 05/13/19	% ACL on 05/13/19	2019 Landings	% 2019 ACL	Closed 2019
Black Grouper	May 1-Dec 31	ww	96,844	3,049	3%	24%	73%	96,844	5,883	6%	68,547	71%	
Gag	May 1-Dec 31	gw	347,301	14,948	4%	14%	70%	347,301	22,500	7%	243,192	70%	
Scamp	May 1 – Dec 31	ww	219,375	1,361	1%	11%	53%	219,375	7,197	3%	80,363	37%	
Red Snapper	Calendar	gw	124,815	0	0	0	77%	124,815	-	-	120,961	97%	8/30/19
Red Porgy	Jan. 1, 2020 – June 30, 2020	gw	47,308	13,683	28%	8%	77%	0	6,112	4%	80,772	49%	
	July 1, 2020 – Dec. 31, 2020	gw	110,384	-	-								
Porgies	Calendar	ww	36,348	5,591	15%	24%	55%	36,348	9,852	27%	20,987	58%	
Mutton snapper	Calendar	ww	111,354	24,090	22%	21%	57%	107,981	23,159	22%	73,532	68%	
Wahoo	Calendar	ww	70,542	16,010	23%	37%	87%	70,542	32,230	46%	66,504	94%	

Stocks landing over 94% of the Commercial ACL

Species whose landings averaged over 94% of their respective commercial ACLs from 2016 through 2018, shown in **Table 2**, would be expected to also reach their ACL in 2020 under normal circumstances. To evaluate fishery performance under the unusual circumstances so far in 2020, we compared landings and the percent of the ACL harvested at this point in 2020 (May 11) to the same point in 2019 (May 13). Stocks that exhibit lower landings and are at a lower percent ACL harvested in 2020 may be experiencing reduced effort and demand and may benefit from temporary management changes to increase the likelihood of reaching the ACL through the remainder of 2020.

As with the earlier category, some of these stocks can be removed from further consideration due to other extenuating circumstances such as their status or past performance and ACL based closures. Details for each are provided below. Of this group of stocks, Vermilion Snapper is proposed for further emergency action consideration and Yellowtail Snapper should be evaluated based on more up to date landings reports provided at the Council meeting. Spanish Mackerel may also warrant further consideration later, as its fishing year progresses.

Snowy Grouper and the Florida Keys/East Florida stock of Hogfish are overfished and both are currently under rebuilding plans (SEDAR 37 2014; SEDAR 36 2013). The landings of Hogfish for FLK/EFL stock are similar to landings in previous years. Snowy Grouper landings as of May 2020 exceed landings in May 2019 and the ACL has been met before August since 2016. Since these stocks are both in rebuilding plans and restricted to very low commercial ACLs, no emergency actions are recommended.

Golden Tilefish was found to be undergoing overfishing in its last assessment. The golden Tilefish longline fishery operates intensively early in the year and closed on February 18, 2020 (reopened for a week in March) and has harvested 99% of its 2020 ACL. Golden Tilefish Hook and Line landings are down 12% or 10,098 lbs. This component of the fishery was closed due to landings reaching the ACL on July 30, 2019 and August 23, 2018. Given these early closure dates in past years, it is likely that the Tilefish hook and line sector will reach its full ACL under existing regulations.

Blueline Tilefish landings in 2020 are down from previous years landings in May. This may be the result of the pandemic or could be due to recently implemented reduced trip limits for the early season (trip limit was reduced to 100 lbs from January 1 to April 30). The stock was recently assessed and is neither overfished nor undergoing overfishing (SEDAR 50 2017). The Blueline Tilefish ACL has been met every year since 2014 and generally closed before August. The trip limit was reduced January through April to reduce bycatch of Snowy Grouper, particularly in the northern portion of the SAFMC jurisdiction. Given these early closure dates in past years, it is likely that the Blueline Tilefish fishery will reach its full ACL under existing regulations.

Greater Amberjack has reached its ACL on average for 2016-2018. In 2019 83% of the ACL was harvested. Current landings are at a similar level as they were at this time in 2019. A recent assessment of Greater Amberjack (SEDAR 59 2019) indicated the stock is not undergoing

overfishing and not overfished. Landings for the Jacks Complex are lower than in previous years, but since the ACL for the Jacks Complex has been met before September every year since 2012 and the ACL was met in mid-July in 2019 it seems likely the ACL will be met without a change in regulations.

Gray Triggerfish was at 71% of the ACL in May 2020, and closures have occurred before November 15 since 2017. The stock is not assessed. Considering the early closure of past years, Gray Triggerfish are expected to reach the ACL under current regulations.

The pace of landings for the GA-NC stock of Hogfish is trending lower than observed in 2019. However, the ACL is fairly low and landings are only 1,500 lbs less than May 2019 landings. In addition, most of the landings for this stock are harvested during summer and fall when the dive fishery operates in the area, and the stock has exceeded its ACL on average for 2016-2018, so emergency action might not be needed to ensure the ACL reached.

Catch level adjustments for golden Tilefish (increase), Blueline Tilefish (increase but not yet implemented), and Vermilion Snapper (increase) have occurred recent years in response to stock assessments (Regulatory Amendment 28 and Abbreviated Frameworks 2 and 3, respectively). Also, changes to commercial management measures were implemented for Blueline Tilefish, Greater Amberjack, Jacks Complex, and Vermilion Snapper in February 2020 (see **Table 2-2 in Appendix 2**).

Atlantic Group Spanish Mackerel landings in 2020 are down from previous years but the ACL has been met in Northern and Southern zones for the past 3 fishing years. In 2019 the Northern zone closed 6 months into the season. The results of the last stock assessment for Spanish Mackerel (SEDAR 28 2013) indicated the stock was neither overfished nor undergoing overfishing. Spanish Mackerel are managed on a March to February fishing year, so there are a few extra months to recover from current COVID impacts as compared to a calendar year fishery. Due to this fishing year, and low 7% difference between the pace of landings in 2020 compared to 2019, no emergency action is recommended at this time. Instead, progress toward the ACL should be monitored and action considered in September with data through August when the fishery will have completed 6 months of its fishing year.

Based on the results of SEDAR 27A, the Yellowtail Snapper stock is not undergoing overfishing nor is overfished, and a recent assessment will be reviewed by the SSC in July 2020 in a joint meeting with the Gulf of Mexico Fishery Management Council's SSC. Yellowtail Snapper landings are 28% lower than at this time in 2019. Additionally, while the fishery has closed in June every year since 2017 (when the fishing year changed), only 64% of the 2020 ACL has been landed as of early May. This leaves 36% of the ACL available for the last 3 months of the season. The Yellowtail Snapper ACL will continue to be monitored but the closure that has occurred in the previous three summers might not occur in 2020. The Council may wish to consider taking a further look at Yellowtail Snapper based on the updated landings that will be available at the meeting.

Vermilion Snapper landings in May 2020 were approximately 200,000 lbs less than landings on a similar date in 2019. Due to this substantial difference in landings, and the fact that only

51% of the early season ACL has been landed with only 6 weeks left in the early season, it is unlikely that the full Vermilion Snapper ACL will be met under the existing regulations. Additional information on Vermilion Snapper harvest in 2020 is provided below.

Vermilion Snapper

Vermilion Snapper are an important component of the Snapper Grouper Fishery. Past management actions have sought to keep the season for Vermilion Snapper open throughout the year with reduced trip limits, in-season trip limit reductions, and split seasons.

The total ACL for Vermilion Snapper was adjusted in 2019 through Abbreviated Framework 2 in response to the latest stock assessment. Management adjustments were made again in 2020 (Vision Blueprint Regulatory Amendment 27, effective February 26) to remove the trip limit reduction when 75% of the season’s ACL was met or was projected to be met. The remaining ACL from the first or early season is rolled over to the second or later season, but the second season’s ACL cannot be carried over to the following fishing year. Since the first season ACL was not met in 2018 and 2019, unused ACL was rolled over to the second season. The total ACL was not met either year, so no in-season closures occurred in 2018 or 2019.

Landings of Vermilion Snapper in 2020 appear to be down compared to recent years (**Figure 1**). Based on reduced landings thus far in 2020, there could be a higher than normal portion of the ACL from the first season rolled over into the second season. Consequently, short-term management changes may help commercial fishermen harvest their full ACL in 2020.

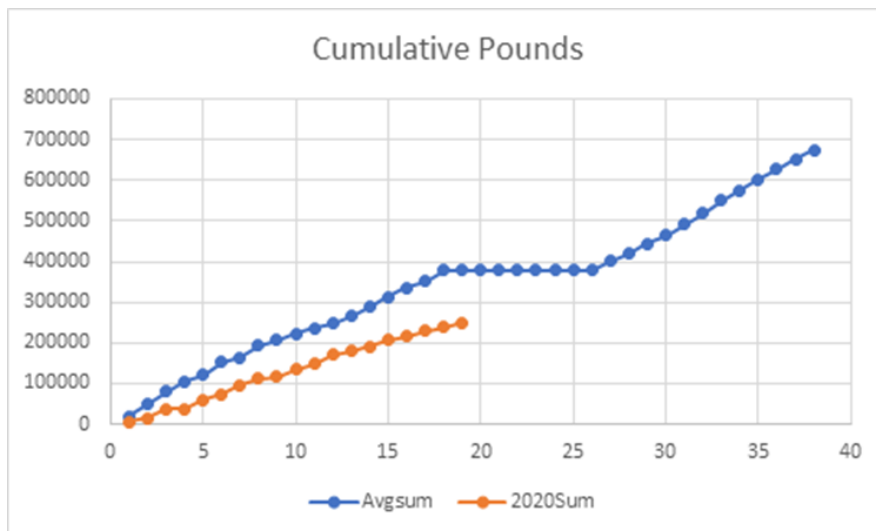


Figure 1. Weekly commercial landings of Vermilion Snapper based on average catch in 2017 to 2019 (blue) and 2020 (orange).

Table 2. Commercial landings relative to 2020 and 2019 ACLs and the percent landed for species that averaged over 94% of their respective commercial ACLs from 2016 through 2018. Source: NMFS SERO and SAFMC.

Species Complex	Fishing Year	Units	2020 ACL	Landings 05/11/20	% 2020 ACL on 05/11/20	% av. 2016-2018 ACL	2019 ACL	Landings 05/13/19	% 2019 ACL on 05/13/19	2019 Landings	% 2019 ACL	Closed on, 2019
Atlantic Group Spanish Mackerel	Mar 1-Feb 28/29	As reported	3,330,000	365,517	11%	98%	3,330,000	611,475	18%	3,405,504	102%	Northern Zone 8/24 Southern Zone 1/29
Blueline Tilefish	Calendar	ww	87,521*	19,762	23%	105%	87,521	33,419	38%	96,004	110%	7/30/2019
Golden Tilefish	Calendar	ww	82,935 (HL)	44,540	54%	98%	82,935	54,638	66%	84,258	102%	7/23/19
			248,805 (LL)	248,519	100%		248,805	278,616	112%	282,592	114%	3/14/19
Gray Triggerfish	Jan 1-June 30	ww	156,162	111,068	71%	97%	156,162	161,177	103%	162,783	104%	4/17/2019
	July 1-Dec. 31	ww	156,162	-	-		156,162	-	-	161,630	104%	10/27/2019
Greater Amberjack*	March 1-Aug 31	gw	461,633	65,029	14%	102%	769,388	97,924	13%	640,742	83%	
	Sept 1-Feb. 29		307,755									
GA-NC Hogfish	Calendar	ww	23,456	432	2%	104%	23,456	2,931	13%	20,055	86%	
FLK/EFL Hogfish	Calendar	ww	6,926	510	7%	176%	5,670	419	7%	2,526	45%	
Jack Complex	Calendar	ww	189,422	69,399	37%	103%	189,422	111,797	59%	189,443	100%	7/16/2019
Snowy grouper	Jan 1-June 30	gw	107,754	77,687	72%	108%	153,935	96,759	63%	150,417	98%	8/3/2019
	July 1-Dec. 31	gw	46,181	-	-		-	-	-	-	-	-
Vermilion Snapper	Jan 1-June 30	ww	502,520	257,508	51%	95%	536,860	453,986	85%	511,952	95%	
	July 1-Dec. 31		502,520				536,860	-	-	492,485	92%	
Yellowtail Snapper	August 1, 2019 – July 31, 2020	ww	1,596,510	1,014,291	64%	102%	1,596,510	1,469,835	92%	1,628,751	102%	6/7/2019

*Split season was implemented in 2020. There is no ACL for comparison in 2019.

Vermilion trips also appear to be down compared to recent years (**Figure 2**). However, data from 2017 through 2019 only encompass dates up until the point when the trip limit reduction went into effect (i.e., it only shows the distribution among trips that were subject to the 1,100 lbs limit). The pattern seems to be consistent from year to year. The proportion of trips that landed the trip limit in 2017-2019 vs. 2020 is shown in **Figure 3**.

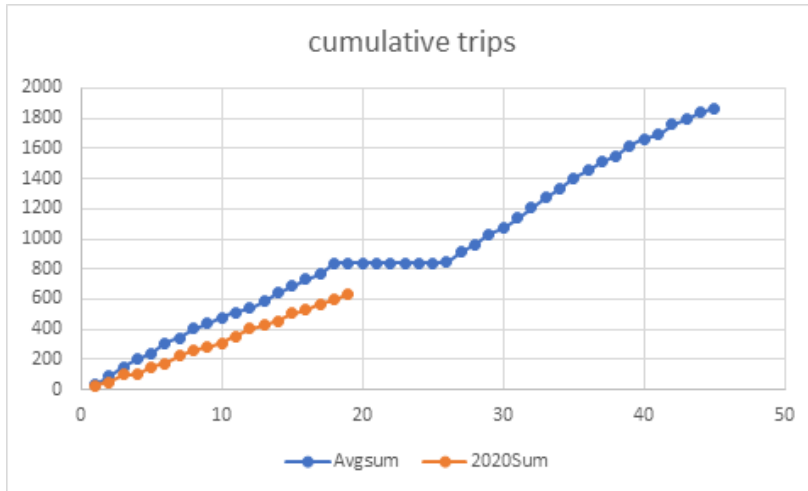


Figure 2. Cumulative commercial trips of Vermilion Snapper based on average catch in 2017 to 2019 (blue) and 2020 (orange).

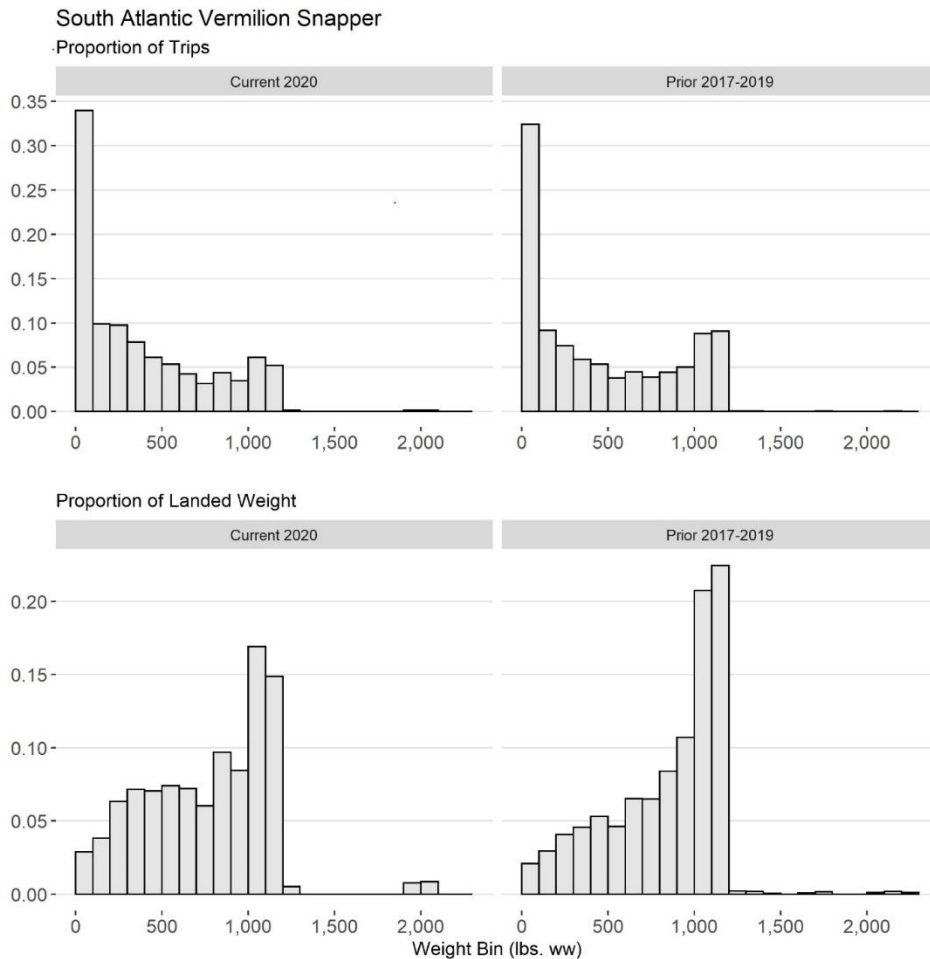


Figure 3. Proportion of Vermilion Snapper commercial trips that landed the trip limit in 2017-2019 compared to 2020.

Two different analyses were conducted to determine how long the season could last under different trip limits for Vermilion Snapper. One analysis assumed only trips that reached the previous trip would hit the new trip limit. Given the low number of trips either hitting the current trip limit or being within 50 lbs of the trip limit (**Figure 3**), the impact of increasing the trip limit is likely to be minimal. This method estimated that doubling the commercial trip limit, to 2,000 lbs, would result in an average increase in harvest of 100,000 lbs (based on data from 2017-2019). This seems unlikely, given that past commercial ACLs were met within 6 weeks when the trip limit was 1,500 lbs in 2011 through early 2013. One potential reason for this is that it does not account for a reduction in effort after the trip limit reduction was implemented.

A second analysis was conducted using average catch per week when the trip limit reduction was not in place. This resulted in average landings of 22,584 lbs per week with 51 trips per week reporting landings (based on data from 2017 to 2019). The landings per week would need to increase by 3,172 lbs per week to catch the second season ACL with the surplus from the first season (502,520 ACL plus 167,000 lbs carry-over). The estimated increase in catch to reach the ACL in 26 weeks would translate to a 62-lb increase per trip assuming a similar number of trips.

Given the variability in catch, a 100 to 250 lbs increase in the trip limit could be considered as a temporary management measure. Although the increases in the trip limit could result in an early closure, the season is estimated to last 24 weeks with a roll-over of 167,000 lbs and a 100 lbs increase in the trip limit. It is also important to consider that only approximately 25% of the trips are landing 900 to 1100 lbs (**Figure 3**), which results in about 13 trips per week that appear to focus on Vermilion Snapper. If the trip limit is raised by 250 lbs, and these 13 trips can average a 200-lb increase in catch, they will contribute another 2,600 lbs to the weekly total. This is nearly 80% of the 3,172 lbs weekly increase that may be needed in the second season to achieve the ACL.

Yellowtail Snapper

Commercial fishermen harvested, on average, 102% of the Yellowtail Snapper ACL in 2016 through 2018 (**Table 2**). The fishing year for yellowtail snapper was modified in 2016 (Regulatory Amendment 25) to begin on August 1. The fishing year was changed so that, if an in-season closure occurred, it would coincide with the Yellowtail Snapper spawning season thus providing biological benefits to the stock. According to data in Regulatory Amendment 25, most of the Yellowtail Snapper harvest occurs from April to July. The commercial fishery landed an average of 281,606 lbs in June and July from 2010 to 2014. Therefore, it could be expected that approximately 300,000 lbs would be harvested during June and July 2020 if the fishery were to remain open. This would result in fishermen landing an additional 19% of the ACL. The Council may wish to review the landings of Yellowtail Snapper at the September meeting to determine if additional actions are warranted.

Types of Temporary Management Actions the Council Could Consider for the Commercial Sector

Adjustments to management measures implemented via emergency action are intended to address immediate biological, economic, or social challenges affecting a fishery over a short time frame. As previously mentioned, a temporary rule would be effective for 180 days with the option to extend the rule for an additional 180 days. As such, only certain adjustments could be accomplished using this avenue. Below are some of the actions the Council could conceivably consider for emergency implementation, provided the record addresses the criteria in **Appendix 1**.

- Temporary trip limit increases for certain species (vermilion snapper?)
- Temporary suspension of in-season accountability measures for certain species (yellowtail snapper?)
- Temporary opening of annual closed seasons for species not undergoing overfishing or overfished?
- Allowing carryover of any unused 2020 ACL into 2021

Recreational Landings

Recreational landings likely have been affected by the current pandemic given social distancing guidelines, limited access to public docks and marinas, and near-total inactivity of for-hire businesses during the quarantine (see *Attachment 1* under the Snapper Grouper Committee briefing materials and **Figure 4**). In addition, sampling and monitoring of recreational catches through the Marine Recreational Information Program was suspended when states issued stay at home orders. **Table 3** summarizes recreational landings to date (wave 1: January-February 2020) and for 2019, in addition to providing the percent of the current ACLs landed and the percent landed, on average, during 2016 through 2018.

Recreational landings from MRIP are not yet available for Wave 2, March-April 2020, when the pandemic's influence was most dramatic. Moreover, given disruption of sampling in April and May, it is not clear how estimates for Waves 2 and 3 will be derived for 2020. Release dates may also be delayed as the agency attempts to address the impacts of lost sampling. Since the pandemic's impact on landings cannot be estimated, species to consider for temporary changes in management may be based on the importance of a species or the desirability to target a species.

One goal the Council may wish to consider for potential emergency actions directed at the recreational fishery, and the for-hire sector in particular, is increasing the number of trips that can be taken during recovery to offset the reduction in effort from mid-March into May and beyond. Information from the headboat survey (**Figure 4**) illustrates the considerable decline in for-hire effort observed over the last few months. This figure represents trips through early May. While there have been additional trips in May, not shown here, it seems unlikely the May trips will reach the level of past years given ongoing social distancing restrictions. Because actions must still maintain harvest below ACLs, actions may most appropriately be targeted at species that are not overfished or experiencing overfishing and for which recent landings are trending below the ACL.

King Mackerel is a potential species to consider for an increased bag limit. The current bag limit is 2 fish per person in Florida and 3 fish per person in Georgia, North Carolina, and South Carolina. Recreational landings of King Mackerel have been less than 40% of the ACL since 2011, and the recent stock assessment (to be presented to the Council at this meeting) indicates the stock is neither overfished nor experiencing overfishing. The Mackerel Cobia Advisory Panel discussed recreational fishing concerns at their meeting in October 2019 and passed a motion recommending that the Florida bag limit for King Mackerel be increased from 2 to 3 to match the rest of the coast. They also talked about increasing the overall bag limit coastwide but did not make or pass any motions to that point.

The recreational ACL for King Mackerel in 2020 is 8 million lbs (**Table 3**). Using data from 2015 through 2017, an analysis was conducted to estimate the increase in landings from raising the bag limit by one fish and two fish. On average, increasing the bag limit in Florida by one fish would result in a 3.2% average increase in landings, whereas a two-fish increase would increase landings, on average, by 7.1%. Considering that the recreational sector is only harvesting 40% of

its ACL, neither of these actions would be likely to result in landings meeting or exceeding the recreational King Mackerel ACL; hence, negative biological effects to the stock would not be expected. On the other hand, increasing the bag limit may provide incentive to anglers to take more trips and could serve as a selling point for the for-hire industry. The Council may wish to consider even greater increases in the bag limit, such as up to 5 fish, to provide even greater incentives. Such a change is expected to increase average landings of King Mackerel by 14.2%.

Other species that are likely drivers in recreational fisheries managed by the SAFMC are Spanish Mackerel, Dolphin, Wahoo, Red Snapper, Grouper, and Snappers. Spanish Mackerel have a 15-fish bag limit which is not often met, and Dolphin have a 10-fish bag limit which is not often met. Considering those relatively high limits and the desirability of these two species, it seems unlikely that a simple increase in the bag limit will lead to increased harvest and ACL utilization. The majority (70% by number) of Wahoo catches occur from July to December based on MRIP estimates. Some shallow-water groupers appear to be decreasing in abundance based on recent stock assessments and fishery-independent studies as already addressed in the commercial impacts section of this paper.

The Red Snapper season has not been negatively impacted by the pandemic and will still be limited to the mini-season in July. The length of the season is set by NMFS and represents the maximum allowable days of harvest while not exceeding the ACL. A longer season will require evidence that catch rates in 2020 will be considerably lower than the ACL.

The season for some deep-water species (Blueline Tilefish and Snowy Grouper) did not open until May and may not have been impacted by the stay at home orders. The recreational fishery has reached the ACL for these species during relatively short seasons and is expected to do so in 2020. However, if the ACLs are not met for Snowy Grouper and Blueline Tilefish when their seasons close on August 31, the Council may wish to consider, at the September meeting, adding additional harvest days.

The recreational sector for Yellowtail Snapper has only landed 41% of its ACL on average for 2016-2018. While current conditions are difficult to estimate due to the aforementioned issues with MRIP sampling, there is little reason to believe landings are higher in 2020 than they were previously. Yellowtail Snapper have a 10 fish bag limit that is counted as part of the 10 fish aggregate snapper bag limit. The Council may wish to consider removing the 10 Yellowtail Snapper limit from the aggregate for several potential benefits. First, anglers could specifically retain 10 Yellowtail without impacting retention of other species. Second, this would essentially add 10 fish to the overall bag anglers could harvest, thereby providing a possible incentive that could benefit the for-hire industry and private anglers alike. Third, allowing this bag limit change for the remainder of 2020 could provide some data on how fishing effort responds to a liberalized regulation that could benefit future efforts to find ways to increase recreational Yellowtail Snapper harvest and ACL utilization.

Data quality and reliability are ongoing issues in the recreational fishery. Recent improvements in MRIP sampling have helped better define the precision of the estimates, but many species managed by the Council suffer from high uncertainty as evidenced by high PSE values. Many of these species fall into the category of ‘rare events’ as discussed previously by the SAFMC SSC and which represent current subject of an ongoing NMFS working group. Some species managed by SAMFC have not even risen to the level of “Only Reliable Catch” or ORC’s species because the SSC does not consider even the most basic fishery information, catch, reliable. Added on top of these chronic data issues is the loss of nearly all access point sampling during April and May. This will inevitably add to the uncertainty of MRIP catch estimates in 2020. To address this increased uncertainty, support recovery of all aspects of the recreational fishing industry in the South Atlantic, and avoid imposing unnecessary closures later in the year that could derail recovery efforts, the Council may wish to consider requesting an emergency action to prevent any closures of recreational harvest that would result from stocks or complexes predicted to reach their ACL in 2020. To further highlight uncertainty, this action could be limited to stocks for which ABCs are not based on stock assessments.

Table 3. Recreational landings relative to 2020 and 2019 recreational ACLs and the percent landed, on average, from 2016 through 2018. Species whose landings have, on average, been between 50% and 94% of the their respective ACLs during 2016-2018 are highlighted in yellow. Source: NMFS SERO and SAFMC.

Species Complex	Fishing Year	Units	2020 ACL	Wave 1 Landings*	% 2020 ACL	% av. 2016-2018 ACL	2019 ACL	Total reported	% 2019 ACL	Closed 2019
Atlantic Spadefish	Calendar	ww	661,926	808	0%	25%	661,926	178,046	27%	
Bar Jack	Calendar	ww	49,021	14	0%	8%	49,021	8,481	17%	
Black Grouper	May 1- Dec 31	ww	165,750	113	0%	65%	165,750	21,606	13%	
Black Sea Bass*	April 1- May 31	ww	433,200	166,843	39%	25%				
Blueline Tilefish*	May 1 – Aug 31	ww	87,277	0	0%	169%	87,277	110,113	126%	seasonal
Deepwater Complex	Calendar	ww	38,628	243	1%	49%	38,628	44,316	115%	12/11/19
Dolphin	Calendar	ww	13,810,361	8,924	0%	41%	13,810,361	3,901,307	28%	
Gag	Calendar	gw	348,194	0	0%	40%	348,194	94,394	27%	
Golden Tilefish	Calendar	numbers	2,316	1,234	53%	210%	2,316	15,638	675%	6/17/19
Gray Triggerfish	Calendar	ww	404,675	4,345	1%	97%	404,675	341,850	84%	
Greater Amberjack*	March 1 – Feb 28/29	ww	1,167,837	865,098	74%	91%	-	-	-	
Grunts	Calendar	ww	618,122	30,121	5%	46%	618,122	315,622	51%	
Hogfish NC-GA	Calendar	numbers	988	0	0%	33%	988	109	11%	
FLK/EFL Hogfish*	May 1- October 31	numbers	18,617	0	0%	119%	18,617	2,093	11%	seasonal
Jacks	Calendar	ww	267,799	1,820	1%	99%	267,799	403,207	151%	9/25/19
King Mackerel*	March 1 – Feb 28/29	as reported	8,000,000	2,634,635	33%	26%	-	-	-	
Mutton Snapper	Calendar	numbers	121,318	58,443	48%	69%	121,318	106,983	88%	

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Species Complex	Fishing Year	Units	2020 ACL	Wave 1 Landings*	% 2020 ACL	% av. 2016-2018 ACL	2019 ACL	Total reported	% 2019 ACL	Closed 2019
Porgies	Calendar	ww	106,914	8,053	8%	96%	106,914	93,369	87%	
Red Grouper*	May 1- Dec 31	ww	84,000	*	*	85%	84,000	106,408	127%	9/25/19
Red Porgy*	May 1- Dec 31	ww	164,000	25	0%	68%	164,000	29,539	18%	
Scamp*	May 1- Dec 31	ww	116,369	143	0%	40%	116,369	23,767	20%	
Shallow Water Grouper*	May 1- Dec 31	ww	48,648	270	1%	36%	48,648	10,427	21%	
Snappers	Calendar	ww	1,169,308	57,085	5%	86%	1,169,308	682,538	58%	
Snowy Grouper*	May 1 – August 31	numbers	4,983	0	0%	104%	4,983	1,946	39%	seasonal
Spanish Mackerel*	March 1- Feb 28/29	as reported	2,727,000	1,632,479	60%	36%	-	-	-	
Vermilion Snapper	Calendar	ww	406,080	2,968	1%	82%	406,080	426,175	105%	
Yellowtail Snapper*	August 1- July 31	ww	1,440,990	223,320	15%	41%	-	-	-	
Wahoo	Calendar	ww	1,724,418	1,192	0%	58%	1,724,418	762,117	44%	

* Species whose fishing year is not the calendar year

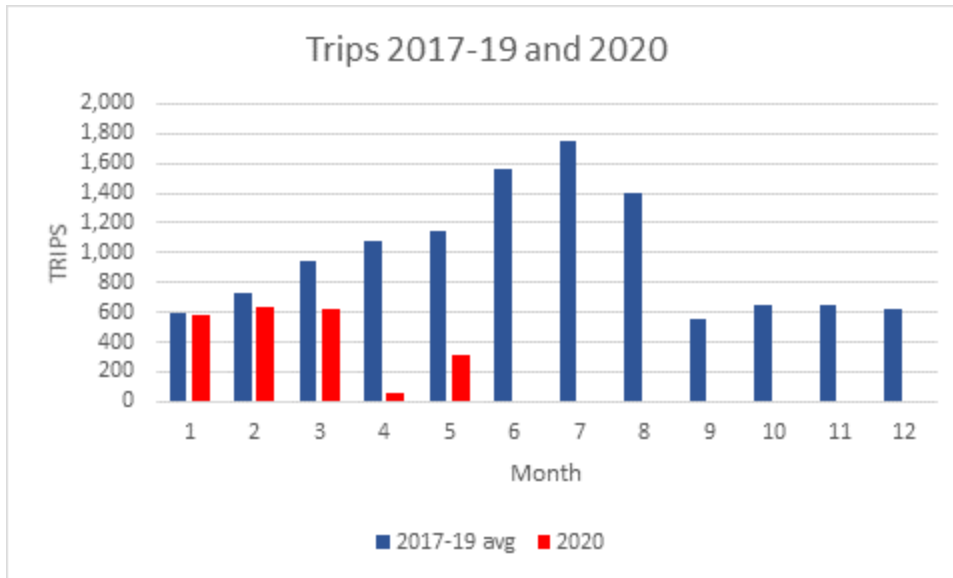


Figure 4. Number of headboat trips by month for 2017 through 2019 and for January through May 2020. Source: Southeast Headboat Survey.

Types of Temporary Management Actions the Council Could Consider for the Recreational Sector

- Temporary increase in bag limits for certain species (king mackerel?)
- Temporary suspension of in-season accountability measures for certain species

Appendix 1. Guidelines for Emergency Action

In 1997, the National Marine Fisheries Service issued guidelines to assist Councils in determining whether use of emergency action is justified under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Emergency authority is intended to address conservation, biological, economic, social, and health emergencies. In addition, according to the guidelines: “emergency regulations may make direct allocations among user groups, if strong justification and administrative record demonstrates that, absent emergency regulation, substantial harm will occur to one or more segments of the fishing industry.” Below is the rationale, criteria and justification included in the guidelines.

Rationale

1. The Secretary *may* promulgate emergency regulations to address an emergency if the Secretary finds that an emergency or overfishing exists, without regard to whether a fishery management plan exists for that fishery;
2. The Secretary *shall* promulgate emergency regulations to address the emergency or overfishing if the Council, by a unanimous vote of the voting members, requests the Secretary to take such action;
3. The Secretary *may* promulgate emergency regulations to address the emergency or overfishing if the Council, by less than a unanimous vote of its voting members, requests the Secretary to take such action; and
4. The Secretary *may* promulgate emergency regulations that respond to a public health emergency or an oil spill. Such emergency regulations may remain in effect until the circumstance that created the emergency no longer exist, provided that the public has had an opportunity to comment on the regulation after it has been published, and in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary’s action.

Criteria

The phrase “an emergency exists involving any fishery” is defined as a situation that:

1. Results from recent, unforeseen events or recently discovered circumstances; and
2. Presents serious conservation or management problems in the fishery; and
3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

Justification

If the time it would take to complete notice-and-comment rulemaking or complete a fishery management plan or amendment would result in substantial damage or loss to a living marine resource, habitat, fishery, industry participants or communities, or substantial adverse impacts to the public health, emergency action might be justified under one or more of the following situations:

1. Ecological: to prevent overfishing as defined in a Fishery Management Plan (FMP), or as defined by the Secretary in the absence of an FMP, or to prevent other serious damage to the fishery resource or habitat; or
2. Economic: to prevent significant direct economic loss or preserve a significant economic opportunity that otherwise might be foregone; or
3. Social: to prevent significant community impacts or conflict between user groups; or
4. Public Health: to prevent significant adverse effects to health of participants in a fishery or to the consumers of seafood products.

Appendix 2.**Table 2-1.** Commercial landings relative to current ACLs for species whose landings averaged less than 50% of their respective ACLs in the South Atlantic region from 2016 through 2018. Source: NMFS SERO and SAFMC.

Species Complex	Fishing Year	Units	2020 ACL	Landings 05/11/20	% Current ACL	% av. 2016-2018 ACL	2019 ACL	Landings 05/13/19	% ACL on 05/13/19	2019 Landings	% 2019 ACL	Closed 2019
Atlantic Spadefish	Calendar	ww	150,552	4,085	3%	14%	150,552	6,880	5%	21,938	15%	
Atlantic Group King Mackerel	Mar 1- Feb 28/29	As reported	4,700,000	646,944	14%	43%	5,200,000	602,825	13%	2,899,528	56%	
Bar Jack	Calendar	ww	13,228	966	7%	13%	13,228	1,076	8%	2,822	21%	
Black Sea Bass	Calendar	ww	287,670	59,544	21%	37%	326,800	131,221	40%	206,574	63%	
Deepwater complex	Calendar	ww	131,268	19,714	15%	35%	131,268	32,764	25%	65,603	50%	
Dolphin	Calendar	ww	1,534,485	34,933	2%	46%	1,534,485	337,184	22%	698,336	46%	
Golden Crab	Calendar	ww	2,000,000	61,926	3%		2,000,000	90,245	5%	285,551	14%	
Grunts	Calendar	ww	217,903	17,990	8%	40%	217,903	26,272	12%	79,752	37%	
Red Grouper	May 1- Dec 31*	ww	71,280	681	1%	14%	66,000	3,785	6%	31,664	48%	
Snappers Complex	Calendar	ww	344,575	14,070	4%	41%	344,575	23,436	7%	108,905	32%	
Shallow water grouper	May 1- Dec 31	ww	55,542	286	1%	22%	55,542	1,643	3%	17,135	31%	

*In NC and SC, red grouper fishing year is June 1 through Dec 31.

Table 2-2. Summary of commercial and recreational management measures (as of June 2020) for select SAFMC managed species.
Source: SAFMC

Species	In-season Closure?	Fishing year	Commercial Management Measures	Recreational Management Measures	Seasonal closures
Atlantic Spadefish	Yes	Jan 1-Dec 31	None	10 within 20-fish agg	
Bar Jack	Yes	Jan 1-Dec 31	None	10 within 20-fish agg	
Black grouper	Yes	Jan 1-Dec 31	24" TL	24" TL; 1 black or gag within 3-grouper agg	Jan 1-Apr 30
Black sea bass	Yes (commercial)	Comm: Jan 1-Dec 31 Rec: Apr 1-Mar 31	Pots:1,000 lbs gw; HL: 300 lbs gw Jan-Apr 11" TL	13" TL; 7 fish	Pot closure Nov 1- Apr 30
Blueline Tilefish	Yes	Jan 1-Dec 31	Jan-Apr:100 lbs gw May-Dec:300 lbs gw	3 fish May 1-Aug 31	Rec closed Jan 1 - Apr 30 and Sept 1 - Dec 31
Dolphin	Yes (commercial)	Jan 1-Dec 31	20"FL off SC, GA and FL South of 39°: when 75% of ACL met: 4,000 lbs ww limit on dolphin	20" FL off SC, GA and FL; 10 fish not to exceed 60 fish/vessel whichever is less; 10/paying passenger on headboats	
Gag	Yes	Jan 1-Dec 31	1,000 lbs gw with 500 lbs reduction when 75% ACL is met; 24" TL	24" TL; 1 black or gag within 3-grouper agg	Jan 1-Apr 30
Golden tilefish	Yes	Jan 1-Dec 31	LL: 4,000 lbs gw HL:500 lbs gw	1 fish within 3-grouper agg	
Gray Triggerfish	Yes	Jan 1-Dec 31	12" FL; 1,000 lbs ww	12" FL; 10 fish within 20-fish agg	
Greater amberjack	Yes	Mar 1-Feb 28/29	Mar-Aug:1,200 lbs Sep-Feb:1,000 lbs 36" FL no coring	28" FL; 1 fish In April: for-hire 1 per day or 1 per trip	Comm closed in April
GA-NC Hogfish	Yes	Jan 1-Dec 31	17"FL; 500 lbs ww	17" FL; 2 fish	
FLK/EFL Hogfish	Yes	Jan 1-Dec 31	16"FL; 25 lbs ww	16" FL; 1 fish May 1-Oct 31	Rec closed Jan 1- Apr 30 and Nov 1- Dec 31
King Mackerel	Yes (commercial)	Mar 1-Feb 28/29	24" FL. See: https://safmc.net/regulations/regulations-by-species/king-mackerel/	24" FL; 3 fish GA north; 2 fish Florida	
Mutton Snapper	Yes	Jan 1-Dec 31	16" TL; Jan-Mar, and July-Dec:500 lbs Apr-Jun: 5 fish ppd or 5 fish ppt, whichever is more restrictive.	16" TL; 10 fish within snapper agg	
Red grouper	Yes	Jan 1-Dec 31	20" TL; 200 lbs gw	20" TL; 3 fish within grouper agg	NC and SC: Jan 1- May 31 GA and FL: Jan 1- Apr 30

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Species	In-season Closure?	Fishing year	Commercial Management Measures	Recreational Management Measures	Seasonal closures
Red porgy	Yes	Jan 1- Dec 31	14" TL; Jan-Apr: 60 fish May-Dec:120 fish	14" TL; 3 fish	
Red snapper	Yes (commercial)	Jan 1 - Dec 31	75 lbs gw	1 fish	limited harvest allowed as specified in Am 43
Scamp	Yes	Jan 1-Dec 31	20" TL	20" TL; 3 fish within grouper agg	Jan 1 -Apr 30
Snowy grouper	Yes	Jan 1-Dec 31	200 lbs gw	1 fish per vessel May 1-Aug 31	
Spanish Mackerel	Yes (commercial)	Mar 1-Feb 28/29	12" FL but can have 5% catch onboard undersized; Northern Zone: 3,500 lbs Southern Zone: 3,500 lbs. When 75% of the adjusted Southern Zone quota is met: 1,500 lbs every day. When 100% of the adjusted Southern Zone quota is met: 500 lbs.	12" FL; 15 fish	
Vermilion snapper	Yes	Jan 1-Dec 31	12" TL; 1,000 lbs gw	12" TL ; 5 fish	
Wahoo	Yes	Jan 1-Dec31	500 lbs for vessels with DW permit; N of 39° N Lat. Vessels without commercial DW permit limited to 200 lbs dolphin and wahoo combined	2 fish	
Wreckfish	No (commercial)	Apr 16-Apr 15	ITQ	1 fish July 1-Aug 31	Jan 15- Apr 15
Yellowtail Snapper	Yes	Aug 1- July 31	12" TL	12" TL; 10 fish within snappers agg	
Deepwater Complex	Yes	Jan 1-Dec 31	None	3-grouper agg and 10-snapper agg	
Jacks Complex	Yes	Jan 1- Dec 31	500 lbs gw 20" TL almaco	10 fish within 20-fish agg	
Snappers Complex	Yes	Jan 1- Dec 31	12" TL (gray); 8" TL (lane); 12" TL (cubera);	10 within snappers agg; size limits like commercial; limit 2 cubera > 30" TL off East FL	
Grunts Complex	Yes	Jan 1- Dec 31	None	10 fish within 20-fish agg	
Shallow-Water Groupers Complex	Yes	Jan 1- Dec 31	20"TL for yellowfin and yellowmouth	20" TL yellowfin and yellowmouth; 3-grouper agg	Jan 1-Apr 30;
Porgies Complex	Yes	Jan 1- Dec 31	None	10 fish within 20-fish agg	