

Amendment 46 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Private Recreational Permitting and Education Requirement)

Discussion Document
Law Enforcement Advisory Panel
January 2024

Note: Words that are [underlined and in blue font](#) provide a link to other documents.

Background

Amendment 46 to the Snapper Grouper Fishery Management Plan (FMP) was previously developed in the first half of 2018 and was approved for scoping at the June 2018 South Atlantic Fishery Management Council (Council) meeting. Due to time constraints over the Council's workplan and the need to obtain more information on potential approaches for private recreational data gathering, the amendment was never scoped. From 2018 through 2020 staff focused instead on piloting the MyFishCount mobile app and portal. Other related efforts have also been underway, notably the convening of the Joint Council Workgroup on Section 102 of the Modernizing Recreational Fisheries Management Act of 2018 (Modern Fish Act), the Private Recreational Reporting Workgroup (workgroup), and subsequently the Snapper Grouper Recreational Permitting and Reporting Advisory Panel (AP). The summary reports and recommendations from these groups can be found on the Council's website under the following links:

- Joint Council Workgroup on Section 102 of the Modern Fish Act (click [HERE](#))
- Private Recreational Reporting Working Group recommendations (click [HERE](#))
- Private Recreational Permitting AP ([Meeting 1](#), [Meeting 2](#), [Meeting 3](#), and [Meeting 4](#))

The Council's 2016-2020 Vision Blueprint for the Snapper Grouper Fishery, previous amendments, and existing requirements

The 2016-2020 Vision Blueprint for the Snapper Grouper Fishery (Vision Blueprint) was approved in December 2015 and was intended to inform management of the Snapper Grouper fishery through 2020. The Vision Blueprint was also intended to serve as a “living document” to help guide future management, building on stakeholder input. The Vision Blueprint is organized into four strategic goal areas: (1) Science, (2) Management, (3) Communication, and (4) Governance. Each goal area has a set of objectives, strategies, and actions. The goals and objectives of the Vision Blueprint have been adopted into the Snapper Grouper FMP through implementation of Amendment 49. The actions in Amendment 46 correspond to different objectives and strategies in the Vision Blueprint.

Since the Council began development of the Vision Blueprint, fishermen have expressed concern with the estimates of recreational catch resulting from the Marine Recreational Information Program (MRIP). Stakeholders have been requesting that the Council explore a recreational stamp or permit for snapper grouper fishing. This recommendation has also been put forth by the Council's Snapper Grouper AP numerous times. Permits have been implemented for the federal for-hire component of the recreational sector and the commercial sector for the Snapper Grouper, Dolphin Wahoo, and Coastal Migratory Pelagic fisheries in part to improve estimates of effort or catch in the South Atlantic region. However, these requirements do not cover the private recreational component.

A recreational saltwater fishing license, issued through the states, is required for private recreational anglers in North Carolina, South Carolina, Georgia, and Florida. The 2007 Magnuson-Stevens Act Reauthorization contained a National Saltwater Angler Registry requirement and exempted states that collected adequate information from state licensed anglers. There have been other federal and state efforts to further refine information gathered on the private recreational component of the recreational sector, such as the [Atlantic Highly Migratory Species Angling Permit](#) and [Large Pelagics Survey](#) that covers highly migratory species in the Atlantic and the [Private Recreational Tilefish Permit](#) in the Mid-Atlantic and New England regions. The state of Florida has also developed the [State Reef Fish Survey](#) where anglers intending to fish for 13 species of snappers, groupers, jacks, triggerfish, or hogfish from a private vessel must obtain an State Reef Fish Angler designation.

Recent Council actions in 2022 and 2023

At their March 2022 meeting, the Council reviewed background information, recommendations from the workgroup, and directed staff to assemble candidates for an ad hoc AP to be selected in June 2022. The Council then reviewed recommendations from the first meeting of the AP at its September 2022 meeting. At the December 2022 meeting, the Council narrowed the scope of the amendment to focus on development of a permit for the private component of the recreational sector and creation of an education component. Additionally, the Council approved the amendment for scoping which was held in January and February 2023. The Council has further refined options within the amendment at subsequent meetings.

Private recreational reporting was removed from further consideration in Amendment 46 at the December 2022 meeting. While reporting may be considered in a different amendment, the Council expressed interest in timely implementation of Amendment 46 as well as the notable potential benefits of implementing a permit which may include better identifying the universe of private anglers or vessels targeting snapper grouper species and enhancing the ability to collect recreational effort and catch data within existing programs such as the Marine Recreational Information Program (MRIP).

Actions in this amendment

1. Establish a private recreational permit in the snapper grouper fishery
2. Specify the species that will be covered by the permit
3. Establish a required education component
4. Specify the timing of when the required education component needs to be completed
5. Establish an exemption to the federal private recreational snapper grouper permit requirement based on permitting by the states.

Objectives for this meeting

- Gather feedback and provide recommendations on permit and education-related actions being considered in the amendment.

Tentative amendment timing

✓December 2022	Council reviewed options paper and approved amendment for scoping.
✓Winter 2023	Conducted scoping.
✓March 2023	Council reviewed scoping comments and provided guidance on the amendment.
✓April/May 2023	Gathered initial feedback from the Permit and Reporting AP and Snapper Grouper AP.
✓June 2023	Council reviewed amendment and AP comments.
✓August 15, 2023	Permit and Reporting AP review.
✓September 2023	Council reviewed amendment and preliminary analyses.
✓October 2023	Review from Snapper Grouper and Outreach and Communications AP.
✓December 2023	Council reviewed and made modifications to the amendment.
March 2024	Council review of amendment.
Spring 2024	Review by Permit and Reporting AP and Private Angler AP.
June 2024	Council reviews modifications to the amendment, select preferred alternatives, and approve for public hearings.
Summer 2024	Conduct public hearings.
September 2024	Council reviews amendment and public hearing comments.
December 2024	Council reviews final draft of amendment and considers approval for formal review.
2026/2027 (TBD)	Regulation changes effective.

Purpose and Need

The purpose of the amendment is to develop a recreational permitting system that will identify the universe of private anglers or vessels targeting South Atlantic snapper grouper species and will enhance the ability to collect recreational effort and catch data. Also work to promote best recreational fishing practices through education.

The need for the amendment is to improve the quality of effort and catch data for the private component of the recreational sector that targets South Atlantic snapper grouper species, while minimizing, to the extent practicable, adverse social and economic effects. Also improve education on best fishing practices.

Actions in the amendment

Action 1. Establish a private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic region

Purpose of the Action: This action is necessary to establish a private recreational permit requirement in the snapper grouper fishery and determine whether the permit will be issued to an individual angler or a vessel.

Alternative	Require a federal permit for:
Alternative 1 (No Action)	A federal permit is not required for a private angler or vessel when fishing for snapper grouper species in the South Atlantic region EEZ.
Alternative 2	<u>All private vessels</u> to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.
Preferred Alternative 3	<u>All private anglers</u> to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

Previous AP Comments and Recommendations:

The following feedback and recommendations were provided by the Snapper Grouper Recreational Permitting and Reporting AP at their August 2023 meeting:

- The AP reiterated support for a consistent approach to permitting throughout the region to maximize the utility of a private recreational permit.
- Either an angler or vessel based permit can be integrated into the existing or potential new sampling and survey framework within the Marine Recreational Information Program (MRIP).
- There are net advantages for a vessel based permit over an angler based permit.
 - Whether using the existing MRIP Access Point Angler Intercept Survey (APAIS) or a potential new sampling framework, the vessel ID is readily available to identify the permit holder.
 - Easy to identify for the field sampler and easier for permit holder since each angler would not need to be asked for additional documentation (i.e. their permit information).

- If a census level reporting approach for some species were to be implemented in the future, a vessel based permit would be better.

Recommendation on Action 1

- When weighing benefits and drawbacks of each permit type, “on net” a vessel-based permit is preferable.
- The AP recommends **Alternative 2** in **Action 1**.

The following feedback and recommendations were provided by the Snapper Grouper AP at their October 2023 meeting:

MOTION: REGARDLESS OF VESSEL OR ANGLER BASED PERMITTING, THE AP ADVISES THE COUNCIL TO INCLUDE REPORTING, PERMITTING, AND EDUCATION. APPROVED BY AP (14 IN FAVOR; 1 OPPOSED; 2 ABSTAIN)

General Comments:

- The AP noted that there was still unanimous support for creating a private recreational permit of some kind.
- There was a split opinion amongst AP members on which alternative to recommend as preferred with 11 members in favor of a vessel-based permit (**Alternative 2**) and 7 members in favor of an angler-based permit (**Alternative 3**).
- Those in favor of a vessel-based permit (**Alternative 2**) noted that the logistics of issuing a vessel based permit would be easier since fewer permits would need to be issued, it would be consistent with how other federal permits are issued in the southeast, and would be easier to enforce than an angler-based permit.
- Those in favor of an angler-based permit (**Alternative 3**) noted that such a permit would more thoroughly identify the number of participants in the snapper grouper fishery and would broaden the reach of the education requirement.
- The AP expressed support for including a reporting requirement for private recreational anglers in Amendment 46.

Questions for the Law Enforcement AP:

1. Please comment on potential differences in enforceability of a vessel-based vs angler-based permit.
 - a. Is one easier to enforce than the other?
 - b. Are there benefits to one type of permit over the other?
 - c. Does the AP have a recommendation for the Council to consider on **Action 1**?
2. The Council only has the authority to require a private recreational permit that covers fishing activity in federal waters.
 - a. Does the AP have comments on the enforcement of such a permit? Would this create notable law enforcement challenges?

3. Does the AP have observations on the compliance of existing private recreational permits or licenses that may be helpful for the Council to consider (i.e. HMS private vessel permit, FL State Reef Fish Angler Designation, saltwater recreational fishing license, etc.)?
 - a. Have there been actions taken that effectively boosted compliance?
 - b. Are there certain aspects of a permit that affect compliance?

Action 2. Specify the species that would be covered by a private recreational snapper grouper permit

Purpose of the Action: This action would specify the species that would be covered by a private recreational permit requirement in the snapper grouper fishery.

Alternative	A federal private recreational permit would be required when fishing for, harvesting, or possessing the following species:
Alternative 1 (No Action)	A federal permit is not required for a private angler or vessel when fishing for snapper grouper species in the South Atlantic region EEZ.
Preferred Alternative 2	<u>Any species</u> in the snapper grouper fishery management unit.
Alternative 3	Any species that is also <u>covered by the Florida State Reef Fish Survey</u> .
Alternative 4	<u>Any deepwater species</u> in the snapper grouper fishery management unit.

Discussion:

- The full list of species within the snapper grouper fishery management unit is provided in **Table 1**.

Table 1. Species found within the snapper grouper fishery management unit.

Species	FL SRFS*	DW Species**	Species	FL SRFS*	DW Species**
Black grouper	X		Cottonwick		
Gag	X		Cubera snapper		
Greater amberjack	X		Goliath grouper		
Hogfish	X		Gray snapper		
Mutton snapper	X		Graysby		
Red grouper	X		Jolthead porgy		
Red snapper	X		Knobbed porgy		
Vermilion snapper	X		Lane snapper		
Yellowtail snapper	X		Longspine porgy		
Banded rudderfish	X		Margate		
Lesser amberjack	X		Nassau grouper		
Gray triggerfish	X		Ocean triggerfish		
Almaco jack	X		Red hind		
Yellowedge grouper		X	Red porgy		
Silk snapper		X	Rock hind		
Misty grouper		X	Rock sea bass		
Sand tilefish		X	Sailor's choice		
Queen snapper		X	Saucereye porgy		
Blackfin snapper		X	Scamp		

Blueline tilefish		X	Scup		
Golden tilefish		X	Speckled hind		
Snowy grouper		X	Tomtate		
Wreckfish		X	Warsaw grouper		
Atlantic spadefish			White grunt		
Bank sea bass			Whitebone porgy		
Bar Jack			Yellowfin grouper		
Black sea bass			Yellowmouth grouper		
Coney					

*FL SRFS = species is covered by the Florida State Reef Fish Survey.

*DW Species = species is part of the deepwater complex or a species typically found in deepwater.

Previous AP Comments and Recommendations:

The following feedback and recommendations were provided by the Snapper Grouper Recreational Permitting and Reporting AP at their August 2023 meeting:

- Florida SRFS efforts will not be compromised as long as all of the SRFS species are also covered by the federal permit. Including additional species would not be problematic.

Recommendation on Action 2

- The AP recommends **Alternative 2** in **Action 2**. There is little to no downside of being more inclusive of species but there is a cost if more species need to be added. Suggest initially capturing all species that may be needed currently and in the future.

The following feedback and recommendations were provided by the Snapper Grouper AP at their April 2023 meeting and was reiterated at their October 2023 meeting:

MOTION: RECOMMEND THAT THE COUNCIL SELECTS **ALTERNATIVE 2** (ALL SPECIES WITHIN THE SNAPPER GROUPE COMPLEX).

APPROVED BY AP (UNANIMOUS)

General Comments:

- Choosing all species in the snapper grouper complex could make it easier for permit holders to comply with the permit requirement since they would not need to remember which of the species fall under the permit and which ones do not.

Questions for the Law Enforcement AP:

1. It has been stated that including all snapper grouper species rather than a sub-set of species under a private recreational permit could ease and increase compliance with a permit requirement.
 - a. Does the Law Enforcement AP agree with this statement?
 - b. Are there any comments on the enforceability of a permit covering all snapper grouper species vs a subset of these species?
 - c. Does the AP have a recommendation for the Council to consider on **Action 2**?

Action 3. Establish an education component requirement in conjunction with a private recreational snapper grouper permit

Purpose of the Action: This action is necessary to establish a required education component for private recreational anglers or vessels fishing for, harvesting, or possessing snapper grouper species in the South Atlantic region. The action also clarifies whether the implementation of the required education component would be delayed from the implementation of the private recreational permit.

Alternative	Establish and require an education component in conjunction with a private recreational snapper grouper permit to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone. The education component would be:
Alternative 1 (No Action)	There is not a required education component to fish for, harvest, or possess snapper grouper species in the South Atlantic region.
Alternative 2	<u>Implemented in conjunction with</u> the private recreational permit requirement.
Alternative 3	<u>Implemented at a later date</u> after the private recreational permit requirement has been established.

Action 4. Specify the timing of the education component requirement for the private recreational snapper grouper permit

Purpose of the Action: This action is necessary to establish how often an education component would need to be completed.

Alternative	A required education component would need to be completed:
Alternative 1 (No Action)	There is not a required education component to fish for, harvest, or possess snapper grouper species in the South Atlantic region.
Alternative 2	<u>Upon each issuance</u> of a private recreational snapper grouper permit.
Alternative 3	<u>Every other year upon issuance</u> of a private recreational snapper grouper permit.
Alternative 4	<u>One time upon initial issuance</u> of a private recreational snapper grouper permit.
Alternative 5	<u>Upon initial issuance</u> of a private recreational snapper grouper permit <u>and each time that the education component materials are updated.</u>

Previous AP Comments and Recommendations:

The following feedback and recommendations have been provided by the Snapper Grouper Recreational Permitting and Reporting Technical AP at their November 2022 meeting:

- **Recommendation:** An education requirement would pair well with a permit, potentially in the initial issuance or renewal process.
 - Such a requirement would provide an opportunity to educate anglers on best fishing practices, what species are within SG complex, species ID, descending devices, etc.

The following feedback and recommendations were provided by the Snapper Grouper AP at their October 2023 meeting:

- The AP reiterated support for establishing an education requirement as soon as possible.

Questions for the Law Enforcement AP:

- 1) At upcoming meetings, the Council will be discussion the content of education materials that may include topics such as species ID, species in the snapper grouper fishery management unit, best fishing practices, MPA and Special Management Zone locations and regulations, and other basic regulations such as descending device requirements and size limits.
 - What topics or content does the AP feel would be most important for educating anglers?
 - What are the most common snapper grouper-related violations that the AP sees in the field onboard private vessels? Does the AP feel that these violations could be notably reduced through better education on snapper grouper regulations?
- 2) In **Action 3**, the Council is considering delaying the implementation of an education requirement until sometime after a permit has been established.
 - Does the AP have any comments on whether a delayed implementation would affect compliance with an education requirement?
- 3) Does the AP have a recommendation for the Council to consider on **Action 3** or **Action 4**?

Action 5. Establish an exemption to the federal private recreational snapper grouper permit requirement based on permitting by the states.

Purpose of the Action: This action would establish a mechanism that would exempt a state from the federal private recreational snapper grouper permit requirement provided that similar measures were enacted for a state-based permit.

Alternative	Establish an exemption to the federal private recreational snapper grouper permit requirement. The National Marine Fisheries Service would certify a state permit as equivalent to a federal private recreational snapper grouper permit provided the state permit is:
Alternative 1 (No Action)	Do not establish an exemption to the federal private recreational snapper grouper permit requirement to fish for, harvest, or possess snapper grouper species in the South Atlantic region.
Sub-alternative 2a	<u>Required for the same entity</u> as the federal permit. (<i>as selected in Action 1</i>).
Sub-alternative 2b	<u>Required for the same snapper grouper species</u> as the federal permit (<i>as selected in Action 2</i>).
Sub-alternative 2c	<u>Would remain valid for the same period of time</u> as the federal permit (<i>annual renewal</i>).
Sub-alternative 2d	<u>Would have the same education requirement</u> as the federal permit (<i>as selected in Actions 3&4</i>).

Previous AP Comments and Recommendations:

The following feedback and recommendations were provided by the Snapper Grouper Recreational Permitting and Reporting AP at their August 2023 meeting:

- There are no compatibility concerns since there is only a permitting requirement being considered without reporting and any permit would cover the Exclusive Economic Zone (EEZ).
- The criteria for the state-based permits need to match the federal criteria.
- Having some states rely on the federal permit while others develop a state-based equivalent permit would create a potential issue if mandatory reporting is implemented in the future.

Recommendation on Action 3

- The AP recommends **Alternative 2, Sub-alternatives 2a, 2b, and 2c in Action 3**.
Note: Sub-alternative 2d did not exist when the AP last discussed this action.

The following feedback and recommendations were provided by the Snapper Grouper AP at their October 2023 meeting:

- Funding is going to be an issue for states. It would be beneficial for the states to receive federal funding in support of a state-issued private recreational snapper grouper permit.
- What would a federal permit requirement look like in the state of Florida given the existing State Reef Fish Angler designation? If the federal requirements do not align with the current state requirements, would anglers still need to get both a federal and state permit?

Questions for the Law Enforcement AP:

1. Are there law enforcement factors that the Council should consider when deciding whether to implement **Action 5**?
 - Are there notable enforcement challenges with existing duplicate federal and state permitting requirements (such as for-hire permits)?

2. Does the AP have a recommendation for the Council to consider on **Action 5**?