

Law Enforcement Advisory Panel Meeting

Overview

February 7, 2013

Update on Recently Completed and Developing Amendments

Completed Amendments

Snapper Grouper Regulatory Amendment 13 (revision of ACLs)

This amendment updates ABCs, ACLs (including sector ACLs), allocations, and ACTs for select unassessed snapper grouper species based on updated Marine Recreational Information Program (MRIP) estimates.

The Council approved this amendment for submission to the Secretary of Commerce at their December 2012 meeting. The amendment was sent for formal review on December 17, 2012.

Snapper Grouper Regulatory Amendment 15 (yellowtail snapper & grouper)

This amendment adjusts the yellowtail ABC, ACLs, and ACT based on the latest stock assessment, and modifies the accountability measure for gag grouper that prohibits harvest and possession of shallow-water groupers (red grouper, black grouper, scamp, yellowmouth grouper, yellowfin grouper, red hind, rock hind, graysby, and coney) when the gag commercial ACL is met or projected to be met.

The proposed changes for yellowtail snapper are:

ACL = OY = ABC.

Commercial ACL = 1,596,510 pounds whole weight (ww)

Recreational ACL = 1,440,990 pounds ww

Recreational ACT = 1,253,661 pounds ww

Note: These values are based upon the results of the 2012 Stock Assessment Report for Yellowtail Snapper in the South Atlantic and Gulf of Mexico (2012); an ABC per the SSC recommendation and ABC Control Rule of 4,050,000 lbs whole weight; jurisdictional allocations of South Atlantic = 75% of ABC and Gulf of Mexico = 25% of ABC (South Atlantic ABC = 3,037,500 lbs whole weight and Gulf of Mexico ABC = 1,012,500 lbs whole weight); sector allocations of commercial = 52.56% and recreational = 47.44%; and a recreational sector ACT definition of $ACL \cdot (1 - PSE)$ or $ACL \cdot 0.5$, whichever is greater, where the average percent standard error for MRFSS for yellowtail snapper during 2005-2009 is 13%.

Amendment 16 had established an accountability measure to close the rest of the shallow-water groupers once the gag ACL was met or projected to be met in order to curb

bycatch of gag. This regulation is still in effect and there is concern about significant socio-economic impacts. Since several of the shallow-water grouper species now have their own ACLs, the Council is proposing removing the AM that closes all shallow-water grouper when the gag commercial ACL is met. This accountability measure had not been triggered prior to 2012 because the gag commercial ACL was not met prior to 2012. In addition, the amendment would also reduce the commercial ACL for gag based on estimated post-quota bycatch mortality. The new commercial ACL for gag would be 326,722 pounds gutted weight (prior commercial ACL was 353,940 pounds gutted weight).

The Council approved this amendment for submission to the Secretary of Commerce at the December 2012 meeting. The amendment is being submitted to NMFS for Secretarial review in late January or early February 2013.

Snapper Grouper Amendment 28 (red snapper)

This amendment establishes regulations to allow harvest of red snapper in the South Atlantic. Red snapper harvest in 2012 was allowed for two consecutive weekends (Fri-Sun) in for the recreational sector and during a 7-day mini-season for the commercial sector. NMFS took action via an Emergency Rule to implement these measures, so no provisions for allowing harvest in 2013 (and beyond) are currently in place. This amendment puts those measures in place and sets an ACL for 2013.

The Council chose to establish the red snapper ACL using the proportion of the ABC caught in the prior two years and then applying that ratio to the ABC in the following year. The red snapper commercial fishing season would start on the second Monday in July. The recreational season would follow, beginning on the second Friday in July. Although the Snapper Grouper AP recommended a September opening for both the commercial and recreational seasons, the Council concluded that a July opening would decrease the chances of weather events thus promoting safety at sea and increasing the chance of small vessels participating in the fishery. To this end, the Council also requested inclusion of language that gives the NMFS Regional Administrator authority to delay the opening of red snapper fishing seasons in the event of a tropical storm or hurricane affecting the South Atlantic Council's area of authority. A season beginning in July would also allow for better weather during a second opening, if one were to occur. Also, the September 2012 opening showed little effort in NC, SC, and GA so the Council reasoned that an earlier start date would promote more recreational effort and land more of the recreational ACL while allowing more fair and equitable access to red snapper. The Council decided to remain consistent regarding removal of the minimum size limit and the recreational bag limit: there is no minimum size limit and the bag limit is one fish. The commercial trip limit during the 2012 opening was set at 50 pounds gutted weight but only a small portion of the commercial ACL was landed. The Council concluded that a higher trip limit would promote full harvest of the commercial ACL and chose instead to go with a 100-pound commercial trip limit.

The Council approved this amendment for formal review in December 2012. The amendment will be submitted for Secretarial review in January 2013.

Snapper Grouper Amendment 18B (golden tilefish)

This amendment establishes a longline endorsement program for the golden tilefish fishery. To receive a golden tilefish longline endorsement, the individual must have an average of 5,000 pounds gutted weight (gw) golden tilefish caught (with longline gear) for the best 3 years within the period 2006 through 2011. Under these eligibility requirements, 23 vessels would be issued longline endorsements. The amendment also establishes an appeals process and endorsement transferability requirements, divides the commercial ACL between gear groups (75% longline and 25% hook-and-line), removes the 300-pound gw trip limit when 75% of the ACL is taken, and establishes a trip limit of 500 pounds gw for commercial fishermen who do not receive a longline endorsement (vessels longline endorsements are not eligible to fish under this trip limit with other gear). The amendment was submitted to NMFS on August 28, 2012 and is currently at the Proposed Rule stage.

Generic Dealer Amendment

The proposed action in this amendment would modify the current permitting and reporting requirements for seafood dealers who first receive federally managed species. Currently, there are five federal dealer permits in the Gulf of Mexico and South Atlantic Regions, and the permits and reporting requirements are different depending on the species purchased. Federally-permitted Gulf of Mexico reef fish and South Atlantic snapper grouper (excluding wreckfish) dealers are required to submit dealer purchase forms once every two weeks via fax or online. South Atlantic golden crab, rock shrimp, and Atlantic dolphin wahoo dealers are required to submit purchase forms once a month via fax or online. The proposed action would require a federal dealer permit to first receive the following additional species: Gulf of Mexico and South Atlantic coastal migratory pelagic resources and spiny lobster, and Gulf of Mexico red drum. The proposed rule would also create a single dealer permit that would allow the holder to first receive any of the species managed under the eight fishery management plans.

The following new dealer reporting requirements would be implemented:

- (1) Purchase forms would be submitted online, once per week, with the exception of dealers reporting purchases of king mackerel landed by the gill net sector for the Gulf West Coast. Florida Southern Sub Zone who would be required to submit forms daily by 6:00 am.
- (2) If no purchase is made, a no-purchase form must be submitted via the same process and frequency as a purchase form.
- (3) A dealer would only be authorized to receive the specified federally managed species if the dealer's previous reports have been submitted and received by NMFS.

The Gulf of Mexico and South Atlantic Councils approved the amendment for review by the Secretary of Commerce in August and September 2012, respectively. The amendment was submitted to NMFS in October 2012 to begin the formal review and approval process.

Developing Amendments

Snapper Grouper Regulatory Amendment 14 (management measures for snapper grouper species)

Proposed actions in this amendment are contained in ***Attachment 2***. The Council will review the Options Paper at their March 2013 meeting in St. Simons Island, GA. The amendment will then be developed and presented to the Council to approve for public hearings at their June meeting. If approved, public hearings will be held in August and final approval of the amendment would take place at the September 2013 Council meeting.

Snapper Grouper Regulatory Amendment 17 (MPAs for speckled hind and warsaw grouper)

This amendment would consider alternatives for Marine Protected Areas (MPAs) that would help diminish bycatch of speckled hind and warsaw grouper (***Attachment 3***). The Council initially convened a group of experts and held an MPA Expert Workgroup meeting in Pooler, GA in May 2012. The Workgroup comprised scientists with expertise in deepwater groupers and/or MPAs and commercial and recreational fishermen with extensive experience in the South Atlantic. The Workgroup produced a report that was presented to the Council in June 2012 and contained recommendations for both re-orientation of existing deepwater MPAs as well as options for new MPAs. The Council stated their intent to initially only consider re-orientation of some of the existing deepwater MPAs, however, they approved a motion at the December 2012 meeting to consider other areas. The MPA Expert Workgroup is being convened again in February 4-6, 2013 in Charleston to provide further advice to the Council. The Council will then provide guidance to staff on how to proceed.

Snapper Grouper Regulatory Amendment 16 (golden tilefish)

The amendment is being developed to consider ways to prevent derby conditions from developing in the golden tilefish longline fishery. Proposed actions are included in ***Attachment 4***. The Council will review the Options Paper at their March meeting and the amendment will be developed over a similar timeframe as Regulatory Amendment 14.

Dolphin Wahoo Amendment 5

Dolphin Wahoo Amendment 5 would revise the ABCs, ACLs (including sector ACLs), sector allocations, AMs and ACTs implemented by the Comprehensive ACL Amendment for dolphin and wahoo. The revisions may prevent a disjunction between the established ACLs and the landings used to determine if AMs are triggered. The amendment would also revise the current framework procedure. Scoping meetings are being held for this amendment in January 22-30, 2013. The Council will consider scoping comments at their March meeting and provide guidance to staff on actions and alternatives to be analyzed. The amendment will be developed under a similar timeframe as SG Regulatory Amendments 14 and 16.

Coral Amendment 7

Recent scientific studies by some members of the Coral Advisory Panel have located pinnacles and mounds of deepwater coral ecosystems in the South Atlantic region. The Council has a history of protecting these important coral habitats through the development of the Oculina Bank Habitat Area of Particular Concern (HAPC) and the deepwater Coral HAPCs. The Council, based on recent scientific discoveries, is considering boundary modifications to some of the existing coral protection areas, including Oculina Bank HAPC (northern and western expansion), Stetson-Miami Terrace Coral HAPC (western expansion) and Cape Lookout Coral HAPC (northern expansion). The Council is also considering a transit provision through the Oculina Bank HAPC. This amendment will continue to be developed in 2013 and public hearings will likely be held in August. The amendment will be developed under a similar timeframe as SG Regulatory Amendments 14 and 16 and Dolphin Wahoo Amendment 5.

Joint Coastal Migratory Pelagics Amendment 19 (Attachment 5)

The amendment will address bag limit sales of king mackerel, Spanish mackerel, and cobia, including a potential new commercial permit requirement for cobia. The amendment also considers actions to eliminate, or make non-transferable, latent king mackerel commercial permits; require compliance with federal regulations in state waters for vessels with federal permits; and modifications to income requirements for king mackerel and Spanish mackerel commercial permits. The Gulf and South Atlantic mackerel committees will meet in March and approve the amendment for public hearings in June. Final approval is expected in September. Council staff will present an overview of the amendment and request that the LEAP provide recommendations.

Joint Coastal Migratory Pelagics Amendment 20 (Attachment 6)

This amendment addresses current boundaries and allocations. For Gulf group king mackerel, the amendment includes actions to change zone and sub-zone allocations, fishing seasons and commercial trip limits. The amendment includes actions to establish transit provision for Florida Keys fishermen working on both Gulf and South Atlantic stocks; consideration of a commercial quota for North Carolina king mackerel and Spanish mackerel; and an action to modify the framework procedure to allow the Councils to make changes to ABCs, ABC/ACL control rules, and AMs through frameworks. The Gulf and South Atlantic mackerel committees will meet in March and approve the amendment for public hearings in June. Final approval is expected in September. Council staff will present an overview of the amendment and request that the LEAP provide recommendations.

Coastal Migratory Pelagics Framework Amendment (Attachment 7)

The amendment includes actions to consider an increase in the minimum size limit for Atlantic group king mackerel; an exemption from size limits for Atlantic group Spanish mackerel caught in pound nets in August and September; an allowance to transfer of a portion of a third net in the Atlantic group Spanish mackerel gill net fishery; and a change in the commercial trip limit for king mackerel in the Florida East Coast

Subzone. The South Atlantic Council will review the amendment in March and approve for public hearings in June. Final approval is expected in September. Council staff will present an overview of the amendment and request that the LEAP provide recommendations.

Snapper Grouper Regulatory Amendment 18 (Attachment 8)

Stock assessment updates for vermilion snapper and red porgy were conducted in 2012 and new ABCs have been recommended as a result. This amendment would adjust the ACL (and sector ACLs) for vermilion snapper and red porgy based on the recently completed stock assessment updates for those two species. In addition, the amendment contains actions to consider changes in management measure for vermilions snapper. Council staff will provide an overview of the actions contained in the amendment and request input on each action from the LEAP. The amendment is scheduled to be approved for Secretarial review at the March 2013 Council meeting.

Snapper Grouper Amendment 27 (Attachment 9)

This amendment assumes management of Nassau grouper in the Gulf of Mexico; modifies the crew size restriction for dual-permitted vessels (those with a Snapper Grouper Unlimited or 225-Pound Permit and a Charter/Headboat Permit for Snapper Grouper); considers modifications to the bag limit retention restriction for captain and crew of for-hire vessels; proposes changes to the existing snapper grouper framework procedure to allow for more timely adjustments to ACLs; and modifies management measures for blue runner. The Council approved this amendment for public hearings at their December 2012 meeting. Hearings are scheduled for late January 22-30, 2013. Council staff will provide an overview of the amendment. The LEAP should provide feedback on the actions and alternatives being considered. The amendment is scheduled to be approved for Secretarial review at the March 2013 Council meeting.

Snapper Grouper Amendment 30 (Attachment 10)

The Comprehensive Ecosystem-based Amendment 3 (CE-BA 3) initially included an action to consider requiring VMS for all commercial snapper grouper vessels. During the December 2012 meeting, however, the Council chose to extract that action from CE-BA 3 and address it in a separate amendment. Some Council members expressed concern that fishermen needed more time to learn about the implications of this proposed action and the capabilities of a VMS. Fishermen and the public in general associate VMS only with enforcement activities and are unaware of its data collection capabilities and other features. Hence, Snapper Grouper Amendment 30 will be presented to the Council in March 2013 and public hearings will be held sometime prior to the June 2013 Council meeting. Council staff will present an overview of the amendment and request that the LEAP provide recommendations.

Comprehensive Ecosystem-based Amendment 3 (Attachment 11)

The current version of this amendment contains a single action addressing bycatch data collection and bycatch reporting. The Council is scheduled to review the amendment at their March 2013 meeting and approve it for Secretarial review. Council staff will present an overview of the amendment and request that the LEAP provide recommendations.

Joint South Atlantic/Gulf of Mexico Generic Headboat Reporting Amendment (Attachment 12)

An action to address charter/headboat reporting was originally included in CE-BA 3. At the December 2012 meeting, the Council voted to develop that action in a separate generic amendment jointly with the Gulf of Mexico Council and so amend the Snapper Grouper, Dolphin Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels. The Councils' currently preferred alternative would require that headboats submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified. Weekly is defined as 7 days after the end of each week (Sunday). The amendment will be approved for submission to the Secretary in February 2013 (Gulf Council) and March 2013 (SA Council). Council staff will present an overview of the amendment and request that the LEAP provide recommendations.

Joint Commercial Logbook Amendment (Attachment 13)

During the December 2012 meeting, the South Atlantic Council approved a motion moving the commercial logbook reporting action out of CE-BA 3 and indicated their wish to work with the Gulf Council on a joint amendment to address commercial logbook issues in the South Atlantic and Gulf of Mexico.

The amendment includes an action to consider modifying the timing of reporting requirements for commercial logbooks in fisheries for snapper grouper, coastal migratory pelagic resources, dolphin/wahoo, and golden crab fisheries, and providing an option for logbooks to be submitted electronically. Currently, logbook reports from commercial fishermen targeting snapper grouper, coastal migratory pelagic, and dolphin/wahoo must be submitted to the Science and Research Director postmarked no later than 7 days after the end of each fishing trip. Logbook reporting forms for golden crab must be submitted to the Science and Research Director postmarked no later than 30 days after sale of the golden crab offloaded from a trip. The amendment also considers requiring that the components of the commercial logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip. This would increase the timeline for snapper grouper, coastal migratory pelagic, and dolphin/wahoo fishermen to complete logbooks, and decrease the timeline for golden crab fishermen. Commercial electronic logbooks, as proposed in this amendment, would not be used to monitor annual catch limits; however, they could serve as a means to verify dealer reports and comply with the Atlantic Coastal Cooperative Statistics Program standards that require two sources for verification of quota-monitored species. It is the Council's intent that NMFS use the commercial

logbook landings, with the new timing and compliance requirements specified in this amendment, to compare with commercial trip ticket landings to help ensure the commercial ACLs are not exceeded.

The Gulf Council will discuss this summary document and request to develop a joint amendment at their February 2013 meeting. The South Atlantic Council will review the Gulf's response and a draft amendment at their March 2013 meeting. Council staff will present an overview of the actions and alternatives included and request that the LEAP provide recommendations.