

Amendment 46 to the Fishery  
Management Plan for the Snapper  
Grouper Fishery of the South  
Atlantic Region  
(Private Recreational Permitting and Education  
Requirement)  
Decision Document  
March 2024

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

## Background

The South Atlantic Fishery Management Council (Council) has been developing Amendment 46 to the Snapper Grouper Fishery Management Plan (FMP) throughout much of 2022 and 2023, with the most recent review at the [December 2023](#) meeting. At that meeting, the Council provided direction on actions and alternatives in the amendment as well as direction on advisory panel (AP) review in the first half of 2024. Since then, the [Law Enforcement AP](#) as well as the interdisciplinary plan team (IPT) have reviewed the amendment to provide feedback to the Council. The summary feedback is captured later in this document in addition to feedback received from other Council APs. Also, the Council's Snapper Grouper Recreational Permitting and Reporting Technical AP (Technical AP) and Private Angler AP are scheduled to meet in April and May 2024, in accordance with the Council's direction in December.

## 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

- Review IPT and Law Enforcement AP feedback.
- Provide guidance on actions in the amendment.
  - Approve or refine changes to the actions and alternatives.
- Consider desired input that the Council would like from the Snapper Grouper Permitting and Reporting Technical AP and Private Angler AP during their Spring 2024 meetings.

## 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.
✓June 2023	Council reviewed amendment and Technical AP and Snapper Grouper AP comments.
✓September 2023	Council reviewed amendment and Technical AP comments.
✓December 2023	Council reviewed Snapper Grouper and Outreach and Communications AP comments, draft effects, and made modifications to the amendment.
✓January 2024	Law Enforcement AP review.
<b>March 2024</b>	<b>Council review of amendment and Law Enforcement AP comments.</b>
Spring 2024	Review by Technical 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 statements

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.

### Committee Action:

- NO ACTION NEEDED. DISCUSS IF ANY CHANGES ARE NECESSARY.

## Actions in the Amendment

**Action 1. Establish a private recreational ~~snapper grouper permit to fish for, harvest, or possess snapper grouper species~~ requirement in the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region**

**“Revised version” of Action 1. Establish a private recreational permit requirement in the Fishery Management Plan for the Snapper Grouper Fishery of 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 a vessel or an angler.

**“Old” Alternative 1 (No Action).** Do not require private vessels or private anglers to have a valid federal permit to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

**“Revised” Alternative 1 (No Action).** Do not establish a private recreational permit requirement for vessels or anglers in the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.

**Alternative 2.** Require a federal permit for all private vessels to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

**Preferred Alternative 3.** Require a federal permit for all private anglers to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

### **Council guidance from the December meeting:**

- Selected **Alternative 3** as preferred.

### **AP Comments and Recommendations:**

*Technical AP (August 2023):*

- 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 is not much difference in the level of improvements that would occur between the two permit types. Both permit types offer a structure level gain in the precision of estimates. From there, additional design changes would determine whether one permit type is better than the other.
  - A vessel based permit does not create an impediment since MRIP utilizes a household based sampling framework. As long as address information is included in the permit information, either type of permit can be utilized.

- 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**.

*Snapper Grouper AP (October 2023):*

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.
- AP members had a thorough discussion comparing the characteristics of a vessel-based and angler-based permit.
  - 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.

*Law Enforcement AP (January 2024):*

- Generally, a vessel-based permit would be easier to enforce; however, there could be enforcement issues with vessel rental and delivery operations or if the vessel owner is not onboard.
  - I.e., determining who would be issued a violation since the permit holder is not likely onboard the vessel and could be a corporate entity.
    - For commercial permits, the vessel owner is held responsible.

- A vessel permit could be verified at a distance by looking at the vessel ID rather than verifying that each angler has a permit.
- The type of permit should depend on the Council's intent for creating the permit. Improving recreational data? Counting how many snapper grouper anglers there are each year? Improve education? Etc.

**IPT Comments:**

- Consider highlighted changes to better differentiate between **Action 1** and **Action 2**.
  - **Action 1** establishes a permit and **Action 2** establishes which species would be covered by the permit.
- Vessel-based permits would be easier to verify than angler-based permits during dockside surveys which would reduce potential bias from coverage error or non-coverage corrections. This would likely result in more accurate estimates.
- A vessel-based permit could create a challenge with rental/boat clubs permitting their vessels for snapper grouper fishing since the permittee (rental boat owner) would not be the one fishing on the vessel.
- A permit may be tough for some anglers (perhaps from out of town) that are just fishing for a day or short period of time.
  - Need to set up a system that would allow anglers or vessel owners to obtain a permit on short notice.

**Committee Action:**

- CONSIDER AP INPUT AND IPT COMMENTS.
- ARE THERE ANY SPECIFIC TOPICS THAT THE COUNCIL WOULD LIKE THE TECHNICAL AP OR PRIVATE ANGLER AP TO ADDRESS ON THIS ACTION?

## **Action 2. Specify the species for which a private recreational snapper grouper permit would be required**

**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.

**“Old” Alternative 1 (No Action).** Do not require private vessels or private anglers to have a valid federal permit to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

**“Revised” Alternative 1 (No Action).** A federal private recreational permit does not apply to any snapper grouper species.

**Preferred Alternative 2.** A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species in the snapper grouper fishery management unit.

**Alternative 3.** A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any species covered by the Florida State Reef Fish Survey.

**Alternative 4.** A federal private recreational snapper grouper permit would be required when fishing for, harvesting, or possessing any deepwater species.

### **Council guidance from the December meeting:**

- Selected **Alternative 2** as preferred.
- Add blueline tilefish, golden tilefish, snowy grouper, and wreckfish to the list of deepwater species in **Alternative 4**.

### **Discussion:**

- The Committee has the option to select multiple alternatives as preferred to capture different groups of species.
- **Alternatives 2 through 4** address the species would be covered by the permit (**Table 1**).
  - **Alternative 2** would cover all snapper grouper species found within the management unit (55 species).
  - **Alternative 3** would cover the species that fall under the Florida State Reef Fish Angler Designation (13 species).
  - **Alternative 4** would cover species in the deepwater complex and other deepwater species (10 species).
- Additional analysis on harvest estimates for commonly caught recreational species and percent standard error (PSEs) is provided in the Appendix.

**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.

**AP Comments and Recommendations:**

*Technical AP (Augusts 2023):*

Compatibility with existing state efforts

- 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.
- It was noted that the species originally covered by SRFS needed to be expanded after initial implementation, which caused some challenges.
  - Requires special treatment of baseline data for the new species that were not originally covered.

Species covered by the permit in relation to subsequent survey and sampling efforts

- Since reporting is no longer being considered, there is little downside to being more inclusive of species.
  - Being more inclusive of species increases the utility of the permit and the potential options that may be pursued in the future.
    - Also aligns with the AP’s task and the Atlantic Coastal Cooperative Statistics Program’s “all species” approach to data collection.
  - Covering more species than may be used in subsequent targeted sampling efforts is not particularly problematic.
- There are some downsides to being less inclusive of species.
  - Narrows the utility of the permit.
  - It is difficult to add new species. The AP does not recommend starting with a smaller list with the intent of expanding in the future.

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.

*Snapper Grouper AP (April & October 2023):*

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

APPROVED BY AP (UNANIMOUS)

General Comments:

- While it could help to match the Florida SRFS species for consistency, some important snapper grouper species are not included in that list so it would be advisable to go with all species within the complex to be comprehensive regionally.
- 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.

*Law Enforcement AP (January 2024):*

- The permit should cover all snapper grouper species to make it more enforceable and improve compliance.

**IPT Comments:**

- Consider highlighted changes to better differentiate between **Action 1** and **Action 2**.
- **Alternatives 3** and **4** that cover a subset of species which may make it more difficult for both law enforcement and anglers to keep up with the permit requirement.
- Consider the applicability of the Florida SRFS species (**Alternative 3**) to the whole South Atlantic region.
  - The list of species leaves out several noteworthy species in the South Atlantic region such as the deepwater species where there are known data deficiencies and black sea bass which supports important fisheries in the region.

- Consider the future need for permitting based on species' distribution changes in a warming climate.

**Committee Action:**

- CONSIDER AP INPUT AND IPT COMMENTS.
- ARE THERE ANY SPECIFIC TOPICS THAT THE COUNCIL WOULD LIKE THE TECHNICAL AP OR PRIVATE ANGLER AP TO ADDRESS ON THIS ACTION?

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

**Purpose of the Action:** This action is necessary to require an education component for private recreational permit holders 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 1 (No Action).** Do not require an education component for private **anglers or vessels recreational permit holders** to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

**Alternative 2.** 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 **implemented at the same time required before initial issuance** of a private recreational permit **requirement**.

**Alternative 3.** 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 **implemented at a later date after** the private recreational permit requirement has been established.

Completion of the education requirement would be:

**DRAFT Sub-alternative 3a.** Before initial reissuance of the permit.

**DRAFT Sub-alternative 3b.** Until the permit holder is selected to complete the education requirement.

**DRAFT Sub-alternative 3c.** *X years after implementation of the permit requirement.  
(Council would need to specify how many years)*

#### **Council guidance from the December meeting:**

- In **Alternative 2**, task the IPT to change “implemented at the same time” to wording similar to “would be required before initial issuance of a permit”.
- In **Alternative 3**, task the IPT to add sub-alternatives that would allow delayed implementation including:
  - Before initial renewal of the permit.
  - If a permit holder is selected to take the education module.
  - Within a time period specified by the Council.

#### **AP Comments and Recommendations:**

*Technical AP (August 2022 & May 2023):*

- An education requirement or certification may not be necessary or required on an annual basis, thus such a requirement would not be an adequate substitute for a permit.
  - There would still need some readily available way to identify anglers in the field that took the education training. For both compliance and validation as well as sampling purposes.

- 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.
  - Education could include information on why the permit exists and importance of data collection.
  - An education requirement could help deter oversubscription.
  - If a permit is vessel based, the details need to be specified regarding who must obtain the education certificate.
    - Vessel owner? Vessel operator? At least one person onboard a permitted vessel?

*Snapper Grouper AP (October 2023):*

- The AP reiterated support for establishing an education requirement as soon as possible.
- Development of the requirement should get underway soon, as the education materials need to be streamlined and working when the permit requirement goes into place.

*Law Enforcement AP (January 2024):*

- The education requirement should apply when the permit is issued rather than a delayed implementation.
- Ideally each angler would need to take the education module, but if vessel-based it is still enforceable.

**IPT Comments:**

- If the Council chooses a vessel based permit, who would be required to take the “test”? All permit holders? Only the vessel operator?
- Is it the intent that the education component is tied to having access to the permit or associated directly with having access to the fishery? In other words, is the education requirement dependent on the permit or does the Committee envision the education requirement as potentially a “stand alone” item that could move forward without a permit? (This will affect the wording of the alternatives)
- For **Sub-alternative 3b**, does the Committee have any recommendations on how the selection would take place? Presumably this would be “if selected by NMFS”? Is the intent that all permit holders would eventually need to take the education module?
- For **Sub-alternative 3c**, can the Committee provide guidance on how long of delayed implementation is envisioned?

**Committee Action:**

- DISCUSS WHETHER TO ACCEPT THE DRAFT SUB-ALTERNATIVES.
- CONSIDER AP INPUT AND IPT COMMENTS.
  - PROVIDE CLARIFICATION WHETHER THE EDUCATION REQUIREMENT IS INTENDED TO BE TIED TO THE PERMIT OR COULD BE INDEPENDENT OF THE PERMIT.
  - CONSIDER IPT CLARIFICATION QUESTIONS FROM **SUB-ALTERNATIVES 3b and 3c**.

- ARE THERE ANY SPECIFIC TOPICS THAT THE COUNCIL WOULD LIKE THE TECHNICAL AP OR PRIVATE ANGLER AP TO ADDRESS ON THIS ACTION?

#### **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 1 (No Action).** There is not a required education component for private recreational anglers or vessels to fish for, harvest, or possess snapper grouper species in the South Atlantic exclusive economic zone.

**Alternative 2.** Completion of the education component would be required upon each issuance of a federal private recreational snapper grouper permit.

**Alternative 3.** Completion of the education component would be required every other year upon issuance of a federal private recreational snapper grouper permit.

**Alternative 4.** Completion of the education component would be required upon initial issuance of a federal private recreational snapper grouper permit.

**Alternative 5.** Completion of the education component would be required upon initial issuance of a federal private recreational snapper grouper permit and each time that the education component materials are updated.

#### **AP Comments and Recommendations:**

*Snapper Grouper AP (April 2023):*

- Consider implementing an education requirement that is valid for as long as a permit is maintained and up to date. If a permit lapses or a new permit is issued, the permit holder would need to go through the education requirement again.

*Outreach and Education AP (October 2023):*

#### Program Content and Structure

- Use short video to explain why the permit is being proposed, including fishermen want better data – “ya’ll asked for it.”
- Too many anglers need to be reached – in-person outreach is limited and takes notable resources. Online availability is essential. Design for phone and mobile device use.
- Keep education requirement concise. Consider a 15-20-minute online education course with an interactive quiz component.
- If a vessel permit, emphasize the owner is responsible for messaging to his/her “crew”.
- Have a condensed version of the online course for recertification (FWC has a similar beach shark fishing course).
- Emphasized the need to pre-test and pilot study any course with anglers.
- Consider making education materials available in Spanish.

#### Existing Programs

- FL Sea Grant
- FWC Skyway Course (example)

- Return ‘Em Right – interactive and includes free gear.
  - Good example for content, structure, and evaluation.
- Earlier online course via FishSmart
- GADNR Shellfish Harvesters (available online with tech support)

#### Who Leads the Effort?

- This is a large effort – Council cannot do this alone.
- Involve NMFS, Council, and outside contractor for content and testing.
- NMFS should lead effort – Council doesn’t collect data.
- Use Return ‘Em Right as a model.

#### Delay education component with permit requirement?

- General support for immediate implementation – “rip the band aid off”
- Start with a short course – can always expand.
- Delaying may dilute the messaging that the education component is important.
- Implement on a state-by-state basis to test.

#### Other Comments/Recommendations

- Clarify this is a NOAA/Federal permit.
- If a vessel permit, could others take the course?
  - It would be helpful to allow as many anglers as possible to take the education course. Data focused improvements on vessel and permit related measures may be separated from the education requirement.
- Need stakeholder meetings or forums to address concerns (staff noted the ad-hoc AP being formed with recreational anglers).
- Share recreational permit information on social media and request feedback.

#### *Law Enforcement AP (January 2024):*

- Education could focus on the most common violations and gear requirements and would be most effective if agencies coordinate with each other (e.g., HMS, state regulations, etc.).
  - Most common observed violations that could be addressed through better education include hook and descending device requirements as well as MPA and SMZ locations and regulations.
  - Would help to provide links to resources on regulations such as Fish Rules, agency websites, the Council website, etc.
  - Making permit holders aware of new regulations each year would help with compliance.
- Concern about an education requirement being too easy to complete and people finding ways to “game the system”. Consider a test of sorts or at least make a digital signature or recognition that verifies the permit holder has received the information on regulations.
  - Digital signature or verification could also help with litigation of violations.

## **IPT Comments:**

- The Council will need to specify additional details of how to develop an education component such as who will be developing the materials? What is the content? What will be the format (video? test?)? Etc.
  - Does the Council intend to be responsible for developing and maintaining the education materials?
- An education component would trigger the Paperwork Reduction (PRA) approval process. The assumption would be that all permit holders would need to take the training.
  - Will need to know how long the training will take and what format to start the PRA process.
- Changes in size and bag limits may determine how often materials need to be updated.
- Try to keep educational module shore and refer to other resources (such as Fish Rules).
- For education materials also consider:
  - How to measure a fish (total length vs fork length)
  - Bag limits (including aggregate limits)

## **Discussion:**

- At the December meeting, the Committee indicated wanting to have a discussion of the general contents of education materials and what may constitute an update to these materials. Topics may include:
  - Species ID
  - Species in the Snapper Grouper FMU
  - Best fishing practices
  - MPA and SMZs locations and regulations
  - Basic regulations
    - Descending device rigged and ready requirement
    - Size limits
- At their January 2024 meeting, the Law Enforcement AP indicated that better education on hook and descending device requirements as well as MPA and SMZ locations regulations could help improve compliance.
- [SAFMC Best Fishing Practices](#) topics cover:
  - Requirements (descending device, dehooking tool, hook specifications)
  - Best fishing practices (recognizing barotrauma, using a descending device, venting, return to depth)
  - Additional best practices (SAFMC Release, plan ahead, handling fish, avoid non-target species, landing fish)
  - Resources (purchasing and making descending devices, research and other initiatives)
- [Return 'Em Right](#) topics cover:
  - Why should anglers release fish properly
  - Trip preparation (target, depth fishing, what to bring)
  - Best fishing practices (reduce handling, minimize air exposure, prevent hook injury, avoid predators)
  - Barotrauma (signs, use of venting and descending devices)
- Discussion questions:
  - What general topics should be covered in the education materials?

- In **Alternative 5**, what would constitute a large enough update of the education materials to require all permit holders re-take the education module?

**Committee Action:**

- CONSIDER AP INPUT AND IPT COMMENTS.
- DISCUSS LIST OF TOPICS FOR EDUCATION MATERIALS.
- ARE THERE ANY SPECIFIC TOPICS THAT THE COUNCIL WOULD LIKE THE TECHNICAL AP OR PRIVATE ANGLER AP TO ADDRESS ON THIS ACTION?

## **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 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.

**Alternative 2.** 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 implements equivalent measures that at a minimum include the following:

**Sub-alternative 2a.** The state permit is required for **the same entity** as the federal permit.

**Sub-alternative 2b.** The state permit is required for **the same snapper grouper species** as the federal permit.

**Sub-alternative 2c.** The state permit would **remain valid for the same period of time** as the federal permit.

**Sub-alternative 2d.** The state permit would have **the same education requirement** as the federal permit.

### **AP Comments and Recommendations:**

*Technical AP (Augusts 2023) :*

#### **Compatibility across the region**

- 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.
  - Need to maintain a common design, ideally across all ocean areas.
  - Even if some states rely on the federal permit while others create their own permit, the common design will allow comparability of estimates across the EEZ since this area will be covered by all permits.
  - Other options where the state and federal requirements are not in alignment may create the need for additional calibrations.
- 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.
  - If mandatory reporting program is ever implemented, then there would not likely be compatibility issues if the focus is only on the EEZ.
    - If the focus is on the EEZ and state waters, then there could be some issue with compatibility of data between states and across the region.

#### **Recommendation on Action 5**

- The AP recommends **Alternative 2, Sub-alternatives 2a, 2b, and 2c in Action 5.** (Note: **Sub-alternative 2d** was not available for discussion by the AP at the time).

*Snapper Grouper AP (October 2023):*

- 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?

*Law Enforcement AP (January 2024):*

- Possible issues with vessels landing in different states so it would be better to have one permit for the EEZ.
  - What happens in the EEZ is going to be difficult to verify at the state level (i.e., a vessel or angler departing from one state but fishing in the EEZ off an adjacent state or a vessel from a state that has a federal permit exemption launching in a state without an exemption), so a single permit would be much easier to enforce.
- While a single permit is preferred, law enforcement officers are already looking for state and federal permits where applicable.

**IPT Comments:**

- To help develop the amendment document, could the Council review the rationale for creating a system that would allow a state to opt out of the federal permit requirement? What is the intended outcome?
  - Is it to reduce the regulatory burden on state anglers?
  - What is the goal of creating an opt out option?
- The state requirements would need to be the same as what the federal agency is requiring. If requirements are not the same, there will be compatibility issues and problems with using the data for the intended purpose of the amendment (i.e., see purpose and need statements).
- If a federal permit exemption is allowed, some states may need to change their licensing program. Also, would need to set a timeframe for when permit information will be made available to MRIP so the sampling framework can be updated.
- There is some precedent for requiring duplicate permitting for the same purpose. For example the for-hire permit permitting process (i.e., both state and federal permitting requirements).

**Committee Action:**

- CONSIDER AP INPUT AND IPT COMMENTS.
- ARE THERE ANY SPECIFIC TOPICS THAT THE COUNCIL WOULD LIKE THE TECHNICAL AP OR PRIVATE ANGLER AP TO ADDRESS ON THIS ACTION?

**Committee Action:**

- DRAFT MOTION: APPROVE AMENDMENT 46 AND ALL ACTIONS, AS REVISED, FOR FURTHER DEVELOPMENT.

- DIRECT STAFF TO PREPARE AMENDMENT 46 FOR CONSIDERATION OF APPROVAL FOR PUBLIC HEARINGS AT THE JUNE 2024 COUNCIL MEETING.

## APPENDIX: Summary Analysis of Harvest Estimates for Commonly Caught Recreational Species and Associated PSEs.

- **Table 2** provides the top snapper grouper species harvested or caught by private anglers fishing in federal waters in the South Atlantic region through evaluating the top species by harvest in weight (lb ww), harvest in numbers, and total catch in numbers (harvest + discards) based on the average for each metric from 2018 to 2022. Estimates provided are inclusive of MRIP FES terms.
- **Table 3** provides the percent standard error (PSE) for harvest estimates by weight from 2018 to 2022 for the species identified in **Table 2**.
- Additional harvest, catch, and PSE information is available in Appendix F of the Amendment 46 document.

**Table 2.** Comparison of the top snapper grouper species harvested or discarded by private anglers fishing in federal waters in the South Atlantic region across three metrics: harvest in weight (lb ww), harvest in numbers of fish or total catch (harvest and discards) in numbers of fish. The values in each column represent the average for each metric, from 2018 to 2022. *Italicized species were ranked in the top 10 for all three metrics.*

<b>Top Species</b>	<b>Harvest (lb ww)</b>	<b>Harvest (# of fish)</b>	<b>Total Catch (# of Fish)</b>
<i>red snapper</i>	2,855,785	335,083	2,790,544
<i>gray triggerfish</i>	626,045	245,056	501,607
<i>mutton snapper</i>	564,385	112,298	287,004
<i>yellowtail snapper</i>	547,751	533,627	1,194,017
<i>vermilion snapper</i>	527,235	445,970	1,004,126
greater amberjack	478,842	26,835	91,353
<i>black sea bass</i>	326,015	248,431	3,170,921
red grouper	299,006	38,282	90,912
<i>gray snapper</i>	269,941	195,771	344,764
almaco jack	260,186	59,080	235,716
white grunt	222,014	287,900	1,159,362
tomtate	197,788	531,720	1,858,367
lane snapper	122,879	160,292	333,626

**Table 3.** Percent standard error (PSE) around calendar year harvest estimates (lb ww) for the top species in the snapper grouper fishery management unit harvested in the South Atlantic EEZ by private anglers. Highlighting in orange indicates an estimate with a PSE value between 30 and 50 which should be treated with caution, and values highlighted in red indicate a highly imprecise estimate with a PSE value greater than 50.

<b>TOP SPECIES</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<i>red snapper</i>	28.3	43.3	47.2	46	37.9
<i>gray triggerfish</i>	35.9	34.2	29.7	31.6	34.2
<i>mutton snapper</i>	55.8	57.6	58.7	31.9	36.2
<i>yellowtail snapper</i>	30.3	40.7	45.2	21.2	30.5
<i>vermilion snapper</i>	45	36.6	30.3	26.9	22.9
greater amberjack	38.2	46.3	39.1	46.6	44.5
<i>black sea bass</i>	25.7	27.9	21.3	29.2	28.5
red grouper	77.2	57.7	73.1	59.5	82.5
<i>gray snapper</i>	28.6	56.5	42.3	24.0	33.9
almaco jack	58.4	70.4	48.5	41.3	37.6
white grunt	43.1	36.7	40.8	48	44.3
tomtate	48.2	87.5	43.5	51.7	68
lane snapper	35.0	46.3	55.6	66.3	38.4