Amendment 50

Catch Level Adjustments, Rebuilding Schedule, and Allocations for Red Porgy

Decision Document

December 2021

Background

The most recent assessment of the red porgy stock in the South Atlantic followed a standard approach with data through 2017 (SEDAR 60 2020) and incorporated revised recreational landings estimates (Fishing Effort Survey). The findings of the assessment indicated that the South Atlantic red porgy stock is overfished and undergoing overfishing. The Council's Scientific and Statistical Committee (SSC) reviewed the assessment during their April 2020 meeting and found that the assessment represented the best scientific information available (BSIA). The Council received the results of the assessment and the SSC's recommendations at their June 2020 meeting and directed staff to begin work on a plan amendment to end overfishing as well as address rebuilding.

The Council received notification from NMFS (via letter dated June 12, 2020) of the status of the red porgy stock in the South Atlantic and indicated management has not made adequate progress in rebuilding the population. Following such notification, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Council to develop a fishery management plan amendment with actions that end overfishing immediately and rebuild the affected stock. The Council has two years to develop an amendment; hence, the statutory deadline would be June 12, 2022.

Management actions in this amendment

Action 1: Establish a rebuilding plan for red porgy
Action 2: Revise the red porgy total annual catch limit and annual optimum yield
Action 3: Revise the red porgy sector allocations and sector annual catch limits
Action 4: Modify red porgy commercial trip limits
Action 5: Modify red porgy recreational management measures
Sub-Action 5a. Bag limits
Sub-Action 5b. Recreational fishing season
Action 6: Modify red porgy recreational accountability measures

Amendment timing

September 2020	Review options paper and provide guidance to staff
December 2020	Review draft amendment and approve for scoping
Feb 3 & 4, 2021	Conduct scoping hearings
March 2021	Review scoping comments, review preliminary analyses, and provide guidance to staff
June 2021	Review modifications to the amendment, select preferred alternatives, and approve for public hearings
September 2021	Review updated analyses and obtain public comment (public hearings) actions
December 2021	**Review and approval all actions and rationale**
March 2022	Approve for formal review
Mid to late 2022	Regulations effective

Purpose and Need

Purpose for Action

The *purpose* of this fishery management plan amendment is to establish a rebuilding plan, set an acceptable biological catch, sector allocations and annual catch limits for South Atlantic red porgy based on the results of the most recent stock assessment, and modify management and accountability measures.

Need for Action

The *need* for this fishery management plan amendment is to end overfishing of South Atlantic red porgy, rebuild the stock, and achieve optimum yield while minimizing, to the extent practicable, adverse social and economic effects.

Committee Action:

NONE

Acceptable Biological Catch and Overfishing Limit

The SSC reviewed the red porgy stock assessment (SEDAR 60 2020) at their April 2020 meeting. The SSC recommended revising the overfishing limit (OFL) based on projections under a fishing mortality rate that would produce maximum sustainable yield ($F = F_{MSY}$) and recommended the $F = 75\% F_{MSY}$ scenario be used to set the acceptable biological catch (ABC) for red porgy. Both projections used average recruitment from the last three assessment years instead of long-term recruitment. The findings of SEDAR 60 indicated average recruitment showed a declining trend throughout the time series and has been below the recruitment levels corresponding to MSY for most of the past three decades.

The updated OFL and ABC values are based on **landed catch in pounds whole weight (lbs ww)** and are highlighted in blue (**Table 1**).

Table 1. South Atlantic red porgy OFL and ABC recommendations (in pounds and numbers of fish) based on management starting in 2022 (SEFSC, September 2020). NOTE: Catch levels in numbers of fish were included in the SSC's recommendations; hence, they are provided here for completeness.

OFL Recommendations		
Year	**Landings (lbs ww)**	**Numbers of Fish**
2022	97,000	62,000
2023	102,000	65,000
2024	107,000	67,000
2025	110,000	69,000
2026	113,000	71,000
ABC Recommendations		
Year	**Landings (lbs ww)**	**Numbers of Fish**
2022	75,000	47,000
2023	81,000	51,000
2024	87,000	54,000
2025	91,000	57,000
2026	95,000	59,000

Note: The SSC had a difficult time implementing the ABC control rule because red porgy has made little to no progress towards rebuilding given low recruitment in recent years. The projections indicate the ABCs will have only a very minor impact on stock rebuilding. If recruitment continues to be low, the productivity of the stock and the benchmark reference points will need to be reevaluated.

Proposed Actions

Preferred Alternatives

Changes in language since September 2021

Action 1. Establish a rebuilding plan for red porgy

Purpose of Action: The latest stock assessment (SEDAR 60 2020) indicated the stock is undergoing overfishing and remains overfished. Action is needed because the red porgy stock did not rebuild by the end of 2017 under the previous rebuilding plan. The Council has two years from when it receives notification from the NMFS to implement a new rebuilding plan. The plan must be implemented by June 2022.

Alternative 1 (No Action). The South Atlantic red porgy stock is overfished and undergoing overfishing. The red porgy stock in the South Atlantic was under an 18-year rebuilding plan that was expected to rebuild the stock by the end of 2017. Red porgy did not rebuild by the end of 2017.

Alternative 2. Establish the rebuilding plan to equal the shortest possible time to rebuild in the absence of fishing mortality ($\mathbf{T_{min}}$). This would equal 11 years with the rebuilding period ending in 2032. 2022 would be Year 1.

Alternative 3. Establish the rebuilding plan to equal $\mathbf{T_{min}}$ **+ one generation**. This would equal 18 years with the rebuilding period ending in 2040. 2022 would be Year 1.

Alternative 4. Establish the rebuilding plan to equal $\mathbf{T_{min}}$ **times two**. This would equal 22 years with the rebuilding period ending in 2044. 2022 would be Year 1.

Preferred Alternative 5. Establish the rebuilding plan to equal the time estimated to rebuild the stock ~~with a 50% probability of success~~ while maintaining fishing mortality at **75% of the Maximum Fishing Mortality Threshold** (MFMT) during the rebuilding period. For red porgy, 75%MFMT = 75%F_{MSY}. This would equal 26 years with the rebuilding period ending in 2047. 2022 would be Year 1.

Summary of Biological Effects:

- **Alternative 1 (No Action)** would have adverse effects on the stock as red porgy is overfished and currently without a rebuilding plan and is not a viable alternative because it is not based on BSIA.
- **Alternatives 2** through **Preferred Alternative 5** are based on the BSIA and would likely have beneficial effects to the red porgy stock as they would establish a timeframe for rebuilding the stock.

- The rebuilding timeframe under **Alternative 2** is projected to rebuild the red porgy stock in the least amount of time; therefore, it can be expected that future biological benefits may accrue soonest, followed by **Alternative 3**, **Alternative 4**, and **Preferred Alternative 5**.

Summary of Economic Effects:

- A rebuilding plan does not impose direct economic effects, as it does not directly constrain harvest or fishing effort.
- Implied economic benefits would be highest under **Alternative 2**, followed by **Alternative 3**, **Alternative 4**, **Preferred Alternative 5**, and **Alternative 1 (No Action)**, which is not a viable alternative.

Summary of Social Effects:

- Although establishing a rebuilding plan is an administrative action, the timeframe would determine the severity of the management measures necessary to rebuild the red porgy resource within the allotted period.
- Long-term benefits would be experienced soonest under **Alternative 2**, followed by **Alternative 3**, **Alternative 4**, **Preferred Alternative 5**, and **Alternative 1 (No Action)**. Alternatively, fewer short-term negative effects on fishing communities would be seen under **Alternative 1 (No Action)**, followed by **Preferred Alternative 5**, **Alternative 4**, **Alternative 3**, and **Alternative 2**.

Draft Rationale:

- The Council acknowledges that the red porgy stock in the South Atlantic has been experiencing low recruitment for many years and management efforts to rebuild the stock have had limited success.
- Red porgy are harvested incidentally with other snapper grouper species (e.g., vermilion snapper and gray triggerfish) and are not targeted recreationally.
- The Council recently implemented a split season for the commercial sector and removed the annual sale and purchase prohibition during March through April in an effort to reduce discarding of red porgy when fishermen are targeting other species (Regulatory Amendment 27, SAFMC 2019).
- The Council selected the longest timeframe for rebuilding as it results in a greater than 50% probability of rebuilding, which is the level mandated by the Magnuson Stevens Fishery Conservation and Management Act.
- The preferred timeframe for rebuilding is intended to reduce the severity of the management measures and thus result in fewer short-term negative impacts on fishing communities.
- The Council is also embarking on discussions that would address the snapper grouper fishery as a whole and it is expected that actions resulting from such an evaluation would benefit the red porgy stock in the South Atlantic and further support the Council's preferred rebuilding timeframe.

Committee Action:

REVIEW RATIONALE AND MODIFY IF NEEDED

Action 2. Revise the red porgy acceptable biological catch, total annual catch limit and annual optimum yield

Purpose of Action: The SSC recommended a new ABC based on results of SEDAR 60 (2020) and the total annual catch limit and annual optimum yield must be adjusted accordingly. The Council cannot set the total annual catch limit above their SSC's recommended ABC.

Alternative 1 (No Action). The total annual catch limit and annual optimum yield for red porgy are equal to the current acceptable biological catch (328,000 pounds whole weight/315,384 lbs gutted weight).

Preferred Alternative 2. Revise the acceptable biological catch based on the recommendation of the Scientific and Statistical Committee. Revise the total annual catch limit and annual optimum yield for red porgy and set them equal to the updated acceptable biological catch. The 2026 acceptable biological catch, total annual catch limit, and annual optimum yield would remain in place after 2026 until modified.

Year	ABC (lbs ww)	Annual OY (lbs ww)	Total ACL (lbs ww)	Total ACL (lbs gw)
2022	75,000	75,000	75,000	72,115
2023	81,000	81,000	81,000	77,885
2024	87,000	87,000	87,000	83,654
2025	91,000	91,000	91,000	87,500
2026+	95,000	95,000	95,000	91,346

Alternative 3. Revise the acceptable biological catch based on the recommendation of the Scientific and Statistical Committee. Revise the total annual catch limit and annual optimum yield for red porgy, and set them equal to 90% of the updated acceptable biological catch. The 2026 acceptable biological catch, total annual catch limit, and annual optimum yield would remain in place after 2026 until modified.

Year	ABC (lbs ww)	Annual OY (lbs ww)	Total ACL (lbs ww)	Total ACL (lbs gw)
2022	75,000	67,500	67,500	64,904
2023	81,000	72,900	72,900	70,096
2024	87,000	78,300	78,300	75,288
2025	91,000	81,900	81,900	78,750
2026+	95,000	85,500	85,500	82,212

Alternative 4. Revise the acceptable biological catch based on the recommendation of the Scientific and Statistical Committee. Revise the total annual catch limit and annual optimum yield for red porgy, and set them equal to 80% of the updated acceptable biological catch. The 2026 acceptable biological catch, total annual catch limit, and annual optimum yield would remain in place after 2026 until modified.

Year	ABC (lbs ww)	Annual OY (lbs ww)	Total ACL (lbs ww)	Total ACL (lbs gw)
2022	75,000	60,000	60,000	57,692
2023	81,000	64,800	64,800	62,308
2024	87,000	69,600	69,600	66,923
2025	91,000	72,800	72,800	70,000
2026+	95,000	76,000	76,000	73,077

Summary of Biological Effects:

- **Alternative 1 (No Action)** is not a viable alternative because it is not based on BSIA.
- **Preferred Alternative 2** would result in the least biological benefit to the red porgy stock as there would be no buffer between the ABCs and the total ACLs. Biological benefits resulting from **Alternatives 3** and **4** would increase as the buffer increases.

Summary of Economic Effects:

Total

- The economic effects of Action 2 would greatly depend on the year examined, but based on cumulative estimated reductions in recreational consumer surplus and commercial producer surplus, it is estimated that net economic benefits would change by -$1,595,994, -$1,624,937, and -$1,653,879 in the first year of implementation (2022) from **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4** respectively (2019$).

Commercial

- **Preferred Alternative 2** through **Alternative 4** would result in a decrease in economic benefits from reducing commercial landings of red porgy.
- It is estimated that trip net revenue would change by -$64,191, -$67,841, and -$71,491 (2019$) from **Preferred Alternative 2**, **Alternative 3**, and **4**, respectively.
- Overall, approximately 161 vessels harvested red porgy on average each year from 2015 through 2019.
- **Preferred Alternative 2** through **Alternative 4** are expected to reduce average annual gross revenue per vessel by $985, $1,036, and $1,086 in the first year of implementation (2022) under each alternative respectively (2019$). In terms of percent of gross revenue per vessel, this is estimated to result in a change of -1.39%, -1.47%, and -1.55% respectively.
- Total short-term economic benefits for commercial vessels would be highest under **Alternative 1 (No Action)**, which is not a viable alternative, followed by **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4**.

Recreational

- The total ACL for **Alternative 1 (No Action)** incorporates CHTS-based estimates of recreational landings while **Preferred Alternative 2** through **Alternative 4** incorporate FES based estimates of recreational landings, therefore direct comparison is not appropriate.
    - Previous landings in FES terms can be used a proxy to measure the economic effects of **Preferred Alternative 2** through **Alternative 4** in comparison to the status quo **(Alternative 1 (No Action).**
- Given the variability in ACL by year, the economic effects depend on the year examined. In the first year of implementation (2022) it is estimated that CS would change by -$1,531,803, -$1,557,096, and -$1,582,389 from **Preferred Alternative 2, Alternative 3**, and **Alternative 4** (2019$)**.**
- Total short-term economic benefits for the recreational sector would be highest under **Alternative 1 (No Action)**, which is not a viable alternative, followed by **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4.**

Summary of Social Effects:

- Depending on the sector allocations chosen in Action 3, there may be some years in which landings would exceed their respective ACL and AMs would be triggered resulting in some negative effects on recreational fishermen and for-hire and commercial businesses that target red porgy.
- In general, a higher ACL would lower the chance of triggering an AM and result in the lowest level of negative effects on fishing communities.
- **Preferred Alternative 2** would be the most beneficial for fishermen, followed by **Alternative 3**, and **Alternative 4**.

Draft Rationale:

- The proposed catch levels are based on the Council's SSC recommendation using the best scientific information available. Therefore, setting the total ACL and annual OY at the recommended levels ensures that overfishing is ended and the level of harvest does not compromise rebuilding targets.
- Setting the total ACL and annual OY equal to the recommended ABCs decreases the likelihood of accountability measures (AM) being triggered, thus reducing negative impacts to fishing communities.
- Council members emphasized the need to try to limit negative impacts to communities over the short-term given that red porgy have been under rebuilding plans in the South Atlantic for many years.
- The red porgy population in the South Atlantic has not responded as expected to management indicating that other factors, beyond the Council's ability to change, may be at play.

Committee Action:

REVIEW RATIONALE AND MODIFY AS NEEDED

Action 3. Revise the red porgy sector allocations and sector annual catch limits

Purpose of Action: The Council's Allocations Trigger Policy states the Council will review sector allocations upon completion of a stock assessment. In addition, recreational landings estimates have been revised to adopt the new Fishing Effort Survey methodology. This action allows the Council to consider how to allocate the total ACL between the commercial and recreational sectors from 2022 onwards under the revised catch levels.

Note: The revised total annual catch limit in Alternative 1 (No Action) and 2 reflects Preferred Alternative 2 in Action 2: ABC=ACL=OY with implementation in 2022.

Alternative 1 (No Action). Retain the current commercial and recreational sector allocations as applied to the **revised total annual catch limit** for red porgy. The current red porgy total annual catch limit is allocated 50% to the commercial sector and 50% to the recreational sector. An equal allocation was selected because it was closest to status quo at the time it was chosen by the Council (2001-2003 landings were 51% recreational and 49% commercial). The commercial annual catch limit is split into two seasons with 30% allocated to season 1 (January through April) and 70% allocated to season 2 (May through December).

Year	Commercial ACL (lbs gw)			Recreational ACL (lbs gw)
	Total	Season 1 quota	Season 2 quota	
2022	36,058	10,817	25,240	36,058
2023	38,942	11,683	27,260	38,942
2024	41,827	12,548	29,279	41,827
2025	43,750	13,125	30,625	43,750
2026+	45,673	13,702	31,971	45,673

Preferred Alternative 2. Allocate 51.43% of the red porgy total annual catch limit to the commercial sector and 48.57% to the recreational sector. This allocation is based on the allocation formula: Annual catch limit = ((mean landings 2006-2008)*0.5)) + ((mean landings 1986-2008)*0.5) applied to the revised total annual catch limit that includes recreational landings from the Marine Recreational Information Program using the Fishing Effort Survey method.

Year	Commercial ACL (lbs gw)			Recreational ACL (lbs gw)
	Total	Season 1 quota	Season 2 quota	
2022	37,089	11,127	25,962	35,026
2023	40,056	12,017	28,039	37,829
2024	43,023	12,907	30,116	40,631
2025	45,001	13,500	31,501	42,499
2026+	46,979	14,094	32,886	44,367

Summary of Biological Effects:

- Biological effects are not expected to be substantially different between **Alternative 1 (No Action)** and **Preferred Alternative 2**, since the allocation percentages would be similar and do not affect the total ACL specified in Action 2.
- Because the commercial sector tends to harvest red porgy from deeper water than the recreational sector, it is possible that a higher allocation to the commercial sector could increase overall discard mortality. Therefore, **Preferred Alternative 2** could incur negative biological effects on the red porgy stock relative to **Alternative 1 (No Action)**.

Summary of Economic Effects:

- Under **Alternative 1 (No Action)**, sector allocations would remain at 50 percent of the total ACL for each sector. This allocation results in a reduction in total economic benefits being derived to both the commercial and recreational sectors due to the reduced total ACL, but no change in net economic benefits due to allocation shifts.
- Under **Preferred Alternative 2**, the commercial sector would be allocated an additional 1,073 lbs ww of red porgy, while the recreational sector would receive 1,073 lbs ww less.
- The economic effects of **Preferred Alternative 2** would depend on the year examined. In the first year that the new total ACL is implemented (2022), a reduction in total net benefits of $6,186 would be expected. The recreational sector would experience a reduction in net benefits of $7,230 while the commercial sector would experience an increase in net benefits of $1,044 (2019$).

Summary of Social Effects:

- **Alternative 1 (No Action)** may have few social effects as both sectors would have an equal ACL.
- With **Preferred Alternative 2**, there would be a slight decrease in the recreational percentage compared to **Alternative 1 (No Action)**, which could have some negative social effects if recreational fishermen have a negative perception of this change due to the slight decrease in fishing opportunity and concerns about long-term social effects, especially if future actions further decreased harvest opportunities.
- It is difficult to predict the social effects of any allocation scheme as it would depend upon decisions made in conjunction with other related actions.
- Both the commercial and recreational sectors are projected to experience closures under **Preferred Alternative 2**, even considering proposed actions in this amendment that aim to reduce harvest. Closures are likely to result in short-term negative social effects to fishing communities but overall long-term positive social effects from a healthy stock.

Draft Rationale:

- Although commercial fishing tends to occur in deeper water depths then recreational fishing, where mortality of discarded fish is higher, the Council reasoned that a slightly higher allocation to the commercial sector would potentially reduce the number of fish that are discarded if the commercial ACL is reached in-season and a closure becomes necessary.

- Utilizing the allocation formula would incorporate revised recreational landings from the Fishing Effort Survey, which would result in a slight shift of allocation to the commercial sector.

Committee Action:

REVIEW RATIONALE AND MODIFY AS NEEDED

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Action 4. Modify red porgy commercial trip limits

Purpose of Action: Because the red porgy total ACL is being reduced to address the recent stock assessment and resulting stock status, the Council can adjust management measures to address overfishing and constrain harvest to the proposed commercial ACL. The Council has only considered modifying the commercial trip limit and is not considering modifications to other commercial management measures.

Alternative 1 (No Action). The commercial trip limit for red porgy in the South Atlantic exclusive economic zone is 60 fish from January 1 through April 30 and 120 fish from May 1 through December 31.

Alternative 2. Reduce the commercial trip limit for red porgy from January 1 – April 30 to:

Preferred 2a. 15 fish per trip
2b. 20 fish per trip
2c. 30 fish per trip
2d. 45 fish per trip

Alternative 3. Reduce the commercial trip limit for red porgy from May 1 – December 31 to:

Preferred 3a. 15 fish per trip
3b. 20 fish per trip
3c. 30 fish per trip
3d. 45 fish per trip
3e. 60 fish per trip

Note: An interactive tool to explore the effect of proposed trip limits can be accessed here: Red Porgy Decision Tool.

Summary of Biological Effects:

- Red porgy are often harvested incidentally when fishing for other snapper grouper species, such as vermilion snapper, gray triggerfish, red snapper, and black sea bass. Substantial changes in fishing effort or behavior are not expected as a result of this action.
- Since the majority of trips have harvested less than 30 fish per trip, **Sub-alternatives 2c** and **3c** would impart the highest biological benefit to the stock among the alternatives and sub-alternatives considered relative to **Alternative 1 (No Action)**. Matching the trip

limit to what fishers are catching on an average trip may reduce discards over the long-term thus reducing adverse effects to the red porgy stock.

Summary of Economic Effects:

- Since the revised commercial sector ACL for red porgy is expected to be fully harvested regardless of the alternative or sub-alternative chosen, the total net economic effects expected to be similar amongst the alternatives.

- The higher trip limits being considered may help increase net operative revenues on trips where red porgy are landed.
- Higher trip limits would also likely result in the commercial AMs being triggered sooner, thus creating an earlier closure.
- Lower trip limits would allow for some level of commercial red porgy harvest over a longer period but contribute less to net operating revenue on trips where red porgy are landed.

Summary of Social Effects:

- Under the proposed ACLs, commercial landings of red porgy are likely to trigger AMs. Reducing the commercial trip limit could extend the length of the respective commercial fishing seasons and reduce the negative short-term effects of shorter seasons.
- Social effects depend on how commercial fishing communities are affected by a lower trip limit and a longer season or a higher trip limit and a shorter season and the likelihood of commercial harvest being open during times of the year when it is profitable to target red porgy.

Draft Rationale:

- It is important to have a species to market all year. When a species is reintroduced to the market after a long hiatus, it can "lose its place" resulting in negative economic effects.
- Commercial fishermen want to maintain access to as many species as possible so they can "put a trip together" throughout the year.
- Limiting the commercial harvest to 15 fish per trip, the lowest trip limit that was considered, would increase the likelihood of the fishery remaining open and available to consumers as long as possible.
- The Council removed the sale and purchase prohibition of red porgy during January through April with implementation of Regulatory Amendment 27 to the FMP in 2020 (SAFMC 2019). This was to allow fishermen to retain a small number of fish instead of discarding them. Because of the depths where commercial fishing occurs, mortality of released fish is relatively high. Council members reiterated that the proposed reduction in the ACL in this amendment does not affect the Council's original rationale stating that minimizing the number of dead discards was still beneficial for the red porgy stock. Hence, the Council did not reconsider prohibiting harvest of red porgy from January through April, as was recommended by the Snapper Grouper AP.
- The Council discussed aligning the red porgy commercial season to when fishermen are targeting vermilion snapper and gray triggerfish with small hooks (January-June and July-December). Given the substantial reduction in the commercial ACL, however, such

a modification was not discussed further as it was deemed unlikely to offer much benefit to the commercial sector. Additionally, the current split season (January-April and May-December) has only been in place since early 2020 and the Council reasoned that more time was needed for the expected effects of that modification to be realized.

- The Council acknowledged that the proposed reduction in the commercial trip limit would likely result in closures in both seasons but a small trip limit would be helpful in reducing dead discards in the fishery.

Committee Action:

REVIEW RATIONALE AND MODIFY AS NEEDED

Action 5. Modify red porgy recreational management measures

Sub-Action 5a. Bag limit

Purpose of Action: A reduction in the recreational bag limit is being considered to address overfishing and constrain recreational harvest to the proposed recreational ACL. The Council also wanted to consider vessel limits for the private and charter modes and the headboat mode independently of each other and in combination. However, the Council removed consideration in June 2021.

Alternative 1 (No Action). The recreational bag limit for red porgy in the South Atlantic exclusive economic zone is 3 per person per day, or 3 per person per trip, whichever is more restrictive.

Preferred Alternative 2. Reduce the recreational bag limit for red porgy to 1 fish per person per day, or 1 fish per person per trip, whichever is more restrictive.

Alternative 3. Reduce the recreational bag limit for red porgy to 2 fish per person per day, or 2 fish per person per trip, whichever is more restrictive.

Note: Bag limit alternatives can be explored using the Red Porgy Decision Tool.

Summary of Biological Effects:

- **Preferred Alternative 2** would be expected to impart the most biological benefit to the red porgy stock as it would result in the greatest reduction in potential harvest of the alternatives considered.
- Under the proposed recreational ACL, none of the alternatives are predicted to allow recreational harvest to continue year-round.
- Restrictive bag limits could increase regulatory discards resulting in negative biological effects on the red porgy stock.

Summary of Economic Effects:

- **Preferred Alternative 2** would have larger negative economic effects on a per trip-level.
- Conversely, more restrictive retention limits would allow for longer open harvest seasons.
- Since the revised recreational sector ACL for red porgy is expected to be fully harvested regardless of the alternative chosen, the total net economic effects are expected to be similar among the alternatives.

Summary of Social Effects:

- **Alternative 1 (No Action)** would be the most beneficial to recreational fishermen in the short-term but could detract from measures to rebuild the red porgy stock.
- **Preferred Alternative 2**, which is projected to reduce catch by 29% overall, may eliminate some recreational fishing opportunities for for-hire and private recreational anglers.
- Less restrictive recreational limits in **Alternative 3** and **Alternative 1 (No Action)** would improve benefits to the recreational sector and associated businesses but would also substantially shorten the fishing season under the proposed recreational ACL.

IPT Comments:

- The NOAA OLE representative on the IPT advised that the "per trip" portion of the current recreational regulation is difficult to enforce currently. It is unlikely a vessel would be boarded twice in one day. Removing this language would not impact current enforcement efforts. If removed, the action may affect other possession regulations-622.187 (c)(i)(ii):

> ***(c) Possession limits.***
> (1) Provided each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the duration of the trip -
>
> (i) A person aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess no more than two daily bag limits of species other than red porgy.
>
> (ii) A person aboard a headboat on a trip that spans more than 48 hours and who can document that fishing was conducted on at least 3 days may possess no more than three daily bag limits of species other than red porgy.
>
> (2) A person aboard a vessel may not possess red porgy in or from the EEZ in excess of three per day or three per trip, whichever is more restrictive.

Snapper Grouper Advisory Panel (AP) Comments:

The AP received an update on the amendment at their October 19-21, 2021 meeting and was asked to provide feedback on how removing the "per trip" restriction would possibly affect fishermen. The AP offered the following:

- One AP member suggested the recreational bag limit be 1 fish per person per day *with an exception for for-hire vessels* to be 1 fish per person per day or per trip, whichever is more restrictive.
- Some AP members suggested that "per trip" could be removed.

- Would allow multiple days' worth of limits for overnight trips for all recreational vessels.
- Should possibly mirror limits for other snapper grouper species – multiple bag limits are allowed to be possessed for other snapper grouper species with documentation of multiple days of fishing.
- Suggested maximum of 2 days' worth of limits.

Draft Rationale:

- The preferred alternative is the lowest bag limit that was considered to continue to allow recreational access and to help constrain harvest to the reduced recreational ACL.
- The Council considered vessel limits for charter vessels and headboats but removed alternatives from further consideration at its June 2021 meeting citing concerns over potentially creating complications for headboats to manage their take. Council members reasoned that vessel limits would be overly complicated at this time given the significant reductions in harvest considered in the amendment.

Committee Action:

DISCUSS WHETHER TO REMOVE "PER TRIP" RESTRICTION.
REVIEW RATIONALE AND MODIFY AS NEEDED.

Sub-Action 5b. Recreational fishing season

Purpose of Action: To constrain recreational harvest to the proposed recreational ACL and avoid an in-season closure for that sector, the Council is considering establishing a recreational fishing season for red porgy in the South Atlantic.

Alternative 1 (No Action). Recreational harvest is allowed year-round until the recreational annual catch limit is met or is projected to be met.

Preferred Alternative 2. Establish a recreational fishing season for red porgy; harvest would be allowed during **May through June**.

Alternative 3. Establish a recreational fishing season for red porgy; harvest would be allowed during **July through August**.

Alternative 4. Establish a recreational fishing season for red porgy; harvest would be allowed during **June through August**.

Note: Recreational season alternatives can be explored using the Red Porgy Decision Tool.

Summary of Biological Effects:

- **Alternative 1 (No Action)** could impart negative biological effects to spawning red porgy. However, recreational landings on average are highest in the summer months.
- **Preferred Alternative 2** and **Alternative 3** would allow fishing during months of highest recreational fishing effort, highest predicted red porgy landings, and could reduce regulatory discards.
- Biological effects would be similar among **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4** since they would all shift fishing effort away from when red porgy are spawning.

Summary of Economic Effects:

- **Alternative 1 (No Action)** can help ensure that the ACL is harvested each year and all associate economic benefits from that harvest to recreational anglers is incurred.
- Establishing a fishing season helps increase predictability of the time period in which harvest would be allowed thus creating economic benefits if harvest during the spawning season is curtailed (**Preferred Alternative 2, Alternative 3**, and **Alternative 4**) thereby leading to greater rebuilding of the red porgy stock and associated long-term economic benefits.
- If the ACL is not fully harvested during the established season, it can lead to fewer short-term economic benefits (as measured in consumer surplus (CS)) due to the decreased harvest, thus there is the potential for **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4** to have lower economic benefits than **Alternative 1 (No Action)**.
- Since red porgy are rarely targeted, it is assumed that a reduction in the fishing season would not affect for-hire fishing trips in the South Atlantic region therefore there are no estimated changes in PS provided for the recreational sector.

Summary of Social Effects:

- Considering the proposed recreational allocation (**Preferred Alternative 2**, Action 3), proposed recreational bag limit (Preferred Alternative 2, Sub-Action 5a), and peak harvest of red porgy, **Preferred Alternative 2**, **Alternative 3**, and **Alternative 4** are anticipated to result in similar season lengths and thus similar social benefits for South Atlantic fishing communities. However, social benefits for individual communities highly engaged in the recreational component of the red porgy fishery will vary based on when participation in the fishery is the highest in that community.

Draft Rationale:

- Under **Preferred Alternative 2**, **Alternatives 3** and **4**, according to the analyses, there is some probability that the catch limit could be met within the timeframe that the fishery is open. However, there is uncertainty surrounding those predictions. The longer the open season, the higher the likelihood that the ACL could be exceeded by a considerably higher amount. Therefore, **Preferred Alternative 2**, which would implement a 2-month season in May and June, is the best choice to ensure landings remain below the ACL and overfishing is prevented.
- Additionally, under **Preferred Alternative 2**, recreational fishing would not be occurring during late summer, when weather events tend to be more disruptive of fishing activity.

Committee Action:

REVIEW RATIONALE AND MODIFY AS NEEDED

Action 6. Modify red porgy recreational accountability measures

Purpose of Action: Because of the needed reduction in catch levels, the Council is considering a revision to the recreational accountability measures (AM). In addition, the trigger for the AM may be revised through this action.

Alternative 1 (No Action). If recreational landings reach or are projected to reach the recreational annual catch limit, recreational harvest of red porgy is closed for the remainder of the fishing year, regardless of stock status, unless National Marine Fisheries Service determines that no closure is necessary based on the best scientific information available.

If recreational landings exceed the recreational annual catch limit, then during the following fishing year recreational landings will be monitored for a persistence in increased landings. If the total annual catch limit is exceeded and red porgy are overfished, the length of the recreational fishing season and the recreational annual catch limit are reduced by the amount of the recreational annual catch limit overage.

Alternative 2. National Marine Fisheries Service will annually announce the recreational fishing season start and end dates in the *Federal Register* and by other methods, as deemed appropriate. The fishing season will start on (date) and end on the date National Marine Fisheries Service projects the recreational annual catch limit will be met.

Preferred Alternative 3. If recreational landings exceed the recreational annual catch limit, reduce the length of the following year's recreational fishing season by the amount necessary to prevent the recreational annual catch limit from being exceeded in the following year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that it is not necessary.

Summary of Biological Effects:

- Biological benefits would be expected to be greater for the alternative that provides the most timely and realistic option chosen to trigger and implement an AM. Biological benefits to the red porgy stock would be greatest under **Alternative 1 (No Action)**, followed by **Alternative 2** and **Preferred Alternative 3**.

Summary of Economic Effects:

- **Alternative 1 (No Action)** is the most stringent of the AMs being considered and would likely result in the greatest potential for short-term negative economic effects but long-term economic benefits.

- **Alternative 2** would limit overall harvest of red porgy but could result in economic benefits that mitigate the short-term cost of the AM itself by allowing more time to adjust to the changing harvest regulations. This could accelerate rebuilding which would result in long-term economic benefits.
- The economic effects of **Preferred Alternative 3** would likely be similar to those of **Alternative 2**, but the AM for this alternative would be triggered with a single year of landings rather than be in place every year. There would be no safeguard in place to prevent the total ACL from being exceeded with the removal of an in-season closure. Additionally, there would be no further restricted fishing season annually, outside of what is set in Sub-Action 5b, thus potential harvest is likely higher under **Preferred Alternative 3** in comparison to **Alternative 1 (No Action)** and **Alternative 2**. This could result in short-term economic benefits for the recreational sector due to increased harvest and long-term potential economic costs to fishery participants. If a reduced fishing season is implemented in Sub-Action 5b, these potential economic effects would be largely mitigated.
- In terms of potential short-term negative economic effects to the recreational sector, **Alternative 1 (No Action)** would have the highest potential negative economic effects, followed by **Alternative 2**, and **Preferred Alternative 3.**

Summary of Social Effects:

- **Alternative 1 (No Action)** would not modify the current recreational AMs for red porgy (a combination of an in-season closure and a season length reduction provision) and would be the most beneficial in the long term for sustainable fishing opportunities.
- Under **Alternative 2**, while the end date for the recreational season could shift each year, announcing at the beginning of the season would allow private anglers and for-hire businesses to plan their activities in advance.
- **Preferred Alternative 3**, would reduce the following fishing season in response to landings exceeding the recreational, but it does not include an in-season closure to prevent the ACL from being exceeded. As such, the fishing season may vary significantly from year to year due to changes in fishing behavior or environmental conditions. Inconsistent fishing seasons can make it challenging for private anglers and for-hire business to plan their fishing activities through the long-term.

Draft Rationale:

- **Preferred Alternative 3** is the most suitable among the alternatives considered for a short recreational season. Eliminating the in-season AM makes the most sense as data are not available to implement in-season management.
- Council members agreed that it would be best to uncouple the recreational AM from the total ACL to prevent potential disruptions to the commercial sector as a result of post-season paybacks.
- **Preferred Alternative 3** also maintains the intent to adjust the season the following year in the event of an overage.

Committee Action:

REVIEW RATIONALE AND MODIFY AS NEEDED

DRAFT MOTION: APPROVE ALL ACTIONS AS MODIFIED IN SNAPPER GROUPER AMENDMENT 50.