Second Briefing Book Draft

SNAPPER GROUPER AMENDMENT 17B
And Environmental Assessment

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ABBREVIATIONS AND ACRONYMS

ABC	Acceptable biological catch
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACL	Annual Catch Limits
AM	Accountability Measure
ACT	Annual Catch Target
APA	Administrative Procedures Act
ASMFC	Atlantic States Marine Fisheries Commission
B	A measure of stock biomass in either weight or other appropriate unit
B_{MSY}	The stock biomass expected to exist under equilibrium conditions when fishing at F_{MSY}
B_{OY}	The stock biomass expected to exist under equilibrium conditions when fishing at F_{OY}
B_{CURR}	The current stock biomass
CEA	Cumulative Effects Analysis
CEQ	Council on Environmental Quality
CFMC	Caribbean Fishery Management Council
CPUE	Catch per unit effort
CRP	Cooperative Research Program
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EFH-HAPC	Essential Fish Habitat - Habitat Area of Particular Concern
EIS	Environmental Impact Statement
ESA	Endangered Species Act of 1973
F	A measure of the instantaneous rate of fishing mortality
$F_{30\%SPR}$	Fishing mortality that will produce a static SPR = 30%.
$F_{45\%SPR}$	Fishing mortality that will produce a static SPR = 45%.
F_{CURR}	The current instantaneous rate of fishing mortality
F_{MSY}	The rate of fishing mortality expected to achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}
F_{OY}	The rate of fishing mortality expected to achieve OY under equilibrium conditions and a corresponding biomass of B_{OY}
FEIS	Final Environmental Impact Statement
FMP	Fishery management plan
FMU	Fishery management unit
FONSI	Finding of No Significant Impact
GFMC	Gulf of Mexico Fishery Management Council
IFQ	Individual fishing quota
M	Natural mortality rate
MARFIN	Marine Fisheries Initiative
MARMAP	Marine Resources Monitoring Assessment and Prediction Program
MBTA	Migratory Bird Treaty Act

MFMT	Maximum Fishing Mortality Threshold
MMPA	Marine Mammal Protection Act of 1972
MRFSS	Marine Recreational Fisheries Statistics Survey
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	Minimum Stock Size Threshold
MSY	Maximum Sustainable Yield
NEPA	National Environmental Policy Act of 1969
NMFS	National Marine Fisheries Service
NMSA	National Marine Sanctuary Act
NOAA	National Oceanic and Atmospheric Administration
OFL	Overfishing Limit
OY	Optimum Yield
PQBM	Post Quota Bycatch Mortality
PSE	Percent Standard Error
R	Recruitment
RFA	Regulatory Flexibility Act
RIR	Regulatory Impact Review
SAFE Report	Stock Assessment and Fishery Evaluation Report
SAMFC	South Atlantic Fishery Management Council
SDDP	Supplementary Discard Data Program
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SFA	Sustainable Fisheries Act
SIA	Social Impact Assessment
SSC	Scientific and Statistical Committee
TAC	Total allowable catch
TL	Total length
T_{MIN}	The length of time in which a stock could rebuild to B_{MSY} in the absence of fishing mortality
USCG	U.S. Coast Guard

AMENDMENT 17B TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

INCLUDING AN ENVIRONMENTAL ASSESSMENT, AND DRAFT SOCIAL IMPACT ASSESSMENT/FISHERY IMPACT STATEMENT

Proposed actions:	Specify ACLs, ACTs, and AMs for 9 species undergoing overfishing. Modify management measures to limit harvest to or less than ACL or ACT. Update framework procedure to include ACLs, ACTs, and AMs.
Lead agency:	FMP Amendment – South Atlantic Fishery Management Council EA - NOAA Fisheries Service
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ABSTRACT

The need for action through Amendment 17B is to establish annual catch limits (ACLs), annual catch targets (ACTs) and accountability measures (AMs) for species experiencing overfishing. Species in the fishery management unit are assessed on a routine basis and stock status may change as new information becomes available. In addition, changes in management regulations, fishing techniques, and social/economic structure can result in shifts in the percentage of harvest between user groups over time. More specifically, the actions proposed in Amendment 17B would:

- Specify ACLs, ACTs, and AMs for 9 species undergoing overfishing;
- Modify management measures to limit total mortality to the ACL;
- Specify allocations for golden tilefish; and
- Update the framework procedure for specification of total allowable catch.

This environmental assessment (EA) has been prepared to analyze the effects of implementing regulations as listed above.

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SUMMARY

The purpose of this amendment is to establish Annual Catch Limits (ACLs) and Accountability Measures (AMs), where needed, including management measures to reduce the probability that catches will exceed the stocks' ACLs pursuant to reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements. The Council will also consider the specification of Annual Catch Targets (ACT) for recreational fisheries where necessary. Previously implemented snapper grouper amendments may contain management measures for species undergoing overfishing that are comparable to ACLs and AMs. The final National Standard 1 (NS 1) guidelines recognizes that existing FMPs may use terms and values that are similar to, associated with, or may be equivalent to the overfishing limit (OFL), acceptable biological catch (ABC), ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. In these situations the guidelines suggest that, as Councils revise their FMPs, they use the same terms as set forth in the NS1 guidelines. The status quo alternatives would retain management measures that are equivalent to OFLs, ACLs, and AMs specified by the reauthorized Magnuson-Stevens Act and in the final NS1 guidelines and recommended by the Council's Scientific and Statistical Committee (SSC) for previous amendments. ACL and AM alternatives are provided for other snapper grouper species, that are undergoing overfishing, and currently have no applied regulations qualifying as ACLs or AMs. The SSC recommended at their December 2008 meeting that the ABC levels for overfished species (i.e. snowy grouper, black sea bass, and red snapper) be set consistent with the rebuilding plans for those species until they can be further amended on better scientific information. The SSC met in March and June 2009 to identify protocol for determining ABCs, which will be included in the Comprehensive ACL amendment. At their June 2009 meeting, the SSC provided ABC recommendations for gag and vermilion snapper. The SSC recommended waiting for the results of the stock assessments for both black grouper and red grouper to determine ABC values for those species. The SSC did not provide an ABC value for golden tilefish because of the age of the assessment and lack of a current estimate of abundance.

To summarize, actions proposed in Amendment 17B would:

- Specify ACLs, ACTs, and AMs, where necessary, for 9 species undergoing overfishing.
- Modify management measures as needed to limit harvest to the ACL or ACT.
- Specify allocations for golden tilefish.
- Update the framework procedure for specification of total allowable catch.

Introduction

1.1 Background

Management of the Federal snapper grouper fishery located off the South Atlantic in the 3-200 nautical mile (nm) U.S. Exclusive Economic Zone (EEZ) is conducted under the Fishery Management Plan for the snapper grouper Fishery (SAFMC 1983) (Figure 1-1). The fishery management plan (FMP) and its amendments are developed under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), other applicable Federal laws, and executive orders (E.O.s) and affect the management of 73 species (Table 1-1). The purpose of the FMP, as amended, is to manage the snapper grouper fishery for optimum yield (OY) and specify ACLs, ACTs, and AMs as needed for species undergoing overfishing.

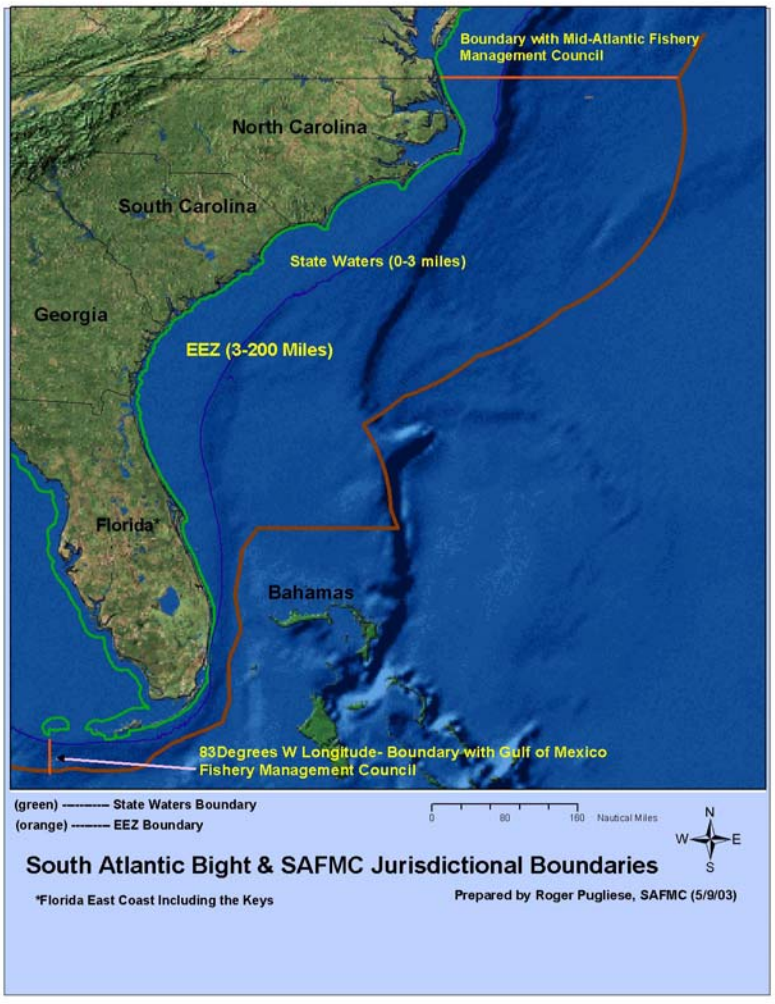


Figure 1-1. Jurisdictional boundaries of the South Atlantic Fishery Management Council.

Almaco jack, *Seriola rivoliana*
Atlantic spadefish, *Chaetodipterus faber*
Banded rudderfish, *Seriola zonata*
Bank sea bass, *Centropristis ocyurus*
Bar jack, *Carangoides ruber*
Black grouper, *Mycteroperca bonaci*
Black margate, *Anisotremus surinamensis*
Black sea bass, *Centropristis striata*
Black snapper, *Apsilus dentatus*
Blackfin snapper, *Lutjanus buccanella*
Blue runner, *Caranx crysos*
Blueline tilefish, *Caulolatilus microps*
Bluestriped grunt, *Haemulon sciurus*
Coney, *Cephalopholis fulva*
Cottonwick, *Haemulon melanurum*
Crevalle jack, *Caranx hippos*
Cubera snapper, *Lutjanus cyanopterus*
Dog snapper, *Lutjanus jocu*
French grunt, *Haemulon flavolineatum*
Gag, *Mycteroperca microlepis*
Golden tilefish, *Lopholatilus chamaeleonticeps*
Goliath grouper, *Epinephelus itajara*
Grass porgy, *Calamus arctifrons*
Gray (mangrove) snapper, *Lutjanus griseus*
Gray triggerfish, *Balistes capriscus*
Graysby, *Cephalopholis cruentata*
Greater amberjack, *Seriola dumerili*
Hogfish, *Lachnolaimus maximus*
Jolthead porgy, *Calamus bajonado*
Knobbed porgy, *Calamus nodosus*
Lane snapper, *Lutjanus synagris*
Lesser amberjack, *Seriola fasciata*
Longspine porgy, *Stenotomus caprinus*
Mahogany snapper, *Lutjanus mahogoni*
Margate, *Haemulon album*
Misty grouper, *Epinephelus mystacinus*
Mutton snapper, *Lutjanus analis*
Nassau grouper, *Epinephelus striatus*
Ocean triggerfish, *Canthidermis sufflamen*
Porkfish, *Anisotremus virginicus*
Puddingwife, *Halichoeres radiatus*
Queen snapper, *Etelis oculatus*
Queen triggerfish, *Balistes vetula*
Red grouper, *Epinephelus morio*
Red hind, *Epinephelus guttatus*
Red porgy, *Pagrus pagrus*
Red snapper, *Lutjanus campechanus*
Rock hind, *Epinephelus adscensionis*
Rock Sea Bass, *Centropristis philadelphica*
Sailors choice, *Haemulon parra*
Sand tilefish, *Malacanthus plumieri*
Saucereye porgy, *Calamus calamus*
Scamp, *Mycteroperca phenax*
Schoolmaster, *Lutjanus apodus*
Scup, *Stenotomus chrysops*
Sheepshead, *Archosargus probatocephalus*
Silk snapper, *Lutjanus vivanus*
Smallmouth grunt, *Haemulon chrysargyreum*
Snowy grouper, *Epinephelus niveatus*
Spanish grunt, *Haemulon macrostomum*
Speckled hind, *Epinephelus drummondhayi*
Tiger grouper, *Mycteroperca tigris*
Tomtate, *Haemulon aurolineatum*
Yellow jack, *Carangoides bartholomaei*
Yellowedge grouper, *Epinephelus flavolimbatus*
Yellowfin grouper, *Mycteroperca venenosa*
Yellowmouth grouper, *Mycteroperca interstitialis*
Yellowtail snapper, *Ocyurus chrysurus*
Vermilion snapper, *Rhomboplites aurorubens*
Warsaw grouper, *Epinephelus nigritus*
White grunt, *Haemulon plumierii*
Whitebone porgy, *Calamus leucosteus*
Wreckfish, *Polyprion americanus*

Stock assessments, through the evaluation of biological and statistical information, provide an evaluation of stock health and directionality of overall stock health under the current management regime and other potential future harvest conditions. More specifically, the assessments provide an estimation of the maximum sustainable yield (MSY) and a determination of the stock status (whether overfishing is occurring and whether the stock is overfished). Following the assessment, the Council's Scientific and Statistical Committee (SSC) reviews the stock assessment information and advises the Council on whether the stock assessment was performed utilizing the best available data and whether the outcome of the assessment is suitable for management purposes.

A stock assessment can range from simple (evaluation of trends in catch, average fish length, and catch-per-unit-effort) to complex (statistical catch-at-age models). The type of assessment varies based on available data and available resources used to conduct an assessment. In 1998, 2001, and 2003, the Council evaluated annual reports on major snapper grouper species compiled by the NOAA/NMFS Laboratory in Beaufort, NC. These reports outlined trends in catch data and estimated spawning potential ratio (SPR) values for species in the snapper grouper fishery management unit (FMU). In addition, the Council received a report on stock status and control rule alternatives in 2001 (Powers 2001). More recent stock assessments have been performed through the Southeast Data, Assessment, and Review (SEDAR) program. Stock assessments have determined that 10 species in the snapper grouper fishery management unit (FMU) are undergoing overfishing (Table 1-1).

Table 1-1. Assessment information for 10 species in the snapper grouper fishery management unit undergoing overfishing.

Species	Most Recent Stock Assessment Source & Year Completed	Data Thru	Date SSC Approved	Overfishing?	Overfished?	Next Assessment Begins
Golden tilefish[1]	SEDAR 4 (2004)	2002	10/04	Yes	No	2010
Snowy grouper[1]	SEDAR 4 (2004)	2002	10/04	Yes	Yes	2010
Speckled hind	Potts and Brennan (2001)	1999	n/a	Yes	Unknown	2010
Warsaw grouper	Huntsman *et al.* (1992)	1990	n/a	Yes	Unknown	2012
Black grouper	Potts and Brennan (2001)	1999	10/21/05	Yes	Unknown	2009
Black sea bass[1]	SEDAR Update 1 (2005)	2003	5/12/05	Yes	Yes	2011
Gag	SEDAR 10 (2006)	2004	6/12/07	Yes	No	2011
Red grouper	Potts and Brennan (2001)	1999	10/21/05	Yes	Unknown	2009
Vermilion snapper	SEDAR Update #3 (2007)	2006	6/12/07	Yes	Unknown	Not scheduled
Red snapper	SEDAR 15 (2008)	2006	6/11/08	Yes	Yes	Not scheduled

[1]Actions were implemented to reduce fishing mortality to a level expected to end overfishing. These stocks will be declared undergoing overfishing until a stock assessment confirms otherwise.

History of Scoping

A Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement (DEIS) for Amendment 17 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region was published January 22, 2008 [73 FR 3701]. Amendment 17 contained actions to establish ACLs and AMs for the 10 South Atlantic snapper grouper

species undergoing overfishing. Scoping meetings for Amendment 17, using an associated scoping document, were held February 4-8, and 10-12, 2009. After scoping for ACLs in Amendment 17 was completed, an NOI for Amendment 18 was published (April 7, 2008 [73 FR 18782]) to announce the development of A DEIS to support the establishment of a rebuilding plan for red snapper stock and various management measures to end its overfishing. Amendment 18 was scoped by the Council in April and May 2008. After scoping the issue of red snapper overfishing (Amendment 18), the Council decided it would be more appropriate to address all red snapper issues, i.e., ACLs, AMs, *and* overfishing in Amendment 17 even though they had been scoped individually. After this determination was made, the Council decided to split Amendment 17 into Amendments 17A and 17B in order to deal with all actions relating to red snapper separately from the other nine species undergoing overfishing. Thus, Amendment 17A was created to deal only with overfishing, ACLs, and AMs for red snapper, and Amendment 17B was created to establish ACLs, and AMs for gag, vermilion, red grouper, black grouper, snowy grouper, warsaw grouper, black sea bass, speckled hind, and golden tilefish. Additionally, the Regional Administrator determined the newly created Amendment 17B would be supported by an Environmental Analysis rather than an Environmental Impact Statement (EIS), and Amendment 17A (red snapper) would be supported by an EIS. Because all of the actions contained within, what are now Amendments 17A and 17B, were scoped under the original Amendment 17 and Amendment 18, NOAA Fisheries Service did not publish any additional or separate NOIs. Issues raised during the scoping process regarding any or all 10 snapper grouper species undergoing overfishing are either addressed and/or analyzed in the supporting NEPA documentation for Amendments 17A and 17B.

1.2 Purpose and Need

The purpose of this amendment is to establish Annual Catch Limits (ACLs) and Accountability Measures (AMs), where needed, including management measures to reduce the probability that catches will exceed the stocks' ACLs pursuant to reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements. The Council will also consider the specification of Annual Catch Targets (ACT) for recreational fisheries where necessary. Previously implemented snapper grouper amendments may contain management measures for species undergoing overfishing that are comparable to ACLs, AMs, and Overfishing Limits (OFLs). The status quo alternatives would retain management measures that are equivalent to OFLs, ACLs, and AMs specified by the reauthorized Magnuson-Stevens Act and in the final NS1 guidelines and recommended by the Council's Scientific and Statistical Committee (SSC) for previous amendments. ACL and AM alternatives are provided for other snapper grouper species, that are undergoing overfishing, and currently have no applied regulations qualifying as ACLs or AMs. The SSC recommended at their December 2008 meeting that the acceptable biological catch (ABC) levels for snowy grouper, black sea bass, and red snapper be set consistent with the rebuilding plans for those species until they can be further amended on better scientific information. At their December 2008 meeting, the SSC recommended an ABC = 0 for speckled hind and warsaw grouper. The SSC met in March and June 2009 to identify protocol for determining ABCs, which will be included in the Comprehensive ACL amendment. At their June 2009 meeting, the SSC provided ABC recommendations for gag and vermilion snapper. For Gag, the ABC for 2010 includes 805,000 pounds gutted weight for landings and 80,000 pounds gutted weight for dead discards, and 885,000 pounds whole weight inclusive of landings and discards corresponding to a P* = 0.30 from "A probability-based approach to setting annual catch limits: Gag, *Mycteroperca microlepis*, off the Southeastern United States (Report to SSC 2007). For vermilion snapper, the SSC recommended ABC levels interpolated from Tables 3.19 and 3.20 of the Southeast Data Assessment and Review (SEDAR) vermilion assessment workshop report to obtain the P* value of 0.275. For 2010, this corresponds to 1,078,000 pounds whole weight for landings, 31,000 pounds whole weight for dead discards, and 1,109,000 pounds whole weight inclusive of landings and discards. The ABCs for landed catch for gag and vermilion snapper assumes the current level of discards would continue. The SSC stated at their March 2009 meeting that it does not support ABCs and ACLs that require the monitoring of discards.

The SSC recommended waiting for the results of the stock assessments for both black grouper and red grouper to determine ABC values for those species. The SSC did not provide an ABC value for golden tilefish because of the age of the assessment and lack of a current estimate of abundance.

Table 1-2. Values for Overfishing Level (OFL) and Acceptable Biological Catch (ABC) recommendations from the SSC.

Species	OFL	ABC
Black grouper[1]	OFL = Yield at MFMT	-
Black sea bass	OFL = Yield at MFMT	ABC = rebuilding plan
Gag[2]	OFL = Yield at MFMT	805,000 lbs gw (landed catch); 885,000 lbs gw (total kill)
Golden tilefish[3]	OFL = Yield at MFMT	-
Red grouper[1]	OFL = Yield at MFMT	-
Snowy grouper	OFL = Yield at MFMT	ABC = rebuilding plan
Speckled hind[5]	SSC Recommendation=Unknown	0
Vermilion snapper[4]	OFL = Yield at MFMT	1,078,000 lbs ww (landed catch); 1,109,000 lbs ww (total kill)
Warsaw grouper[5]	SSC Recommendation=Unknown	0

Note: Need to have SSC and Council resolve whether ABC should be based on landed catch that assumes a certain level of discards or total kill that incorporated landings and dead discards. SSC gave is total kill but indicates it does not support monitoring discards.

1. Given stock assessments have been scheduled for both black and red grouper, the SSC requested that estimates of the OFLs come from the Science Center. In Amendment 17B, the Council is considering establishing the commercial and recreational ACLs for black grouper and red grouper equivalent to (1) the expected catch resulting from management measures in Amendment 16 or (2) to the expected catch resulting from management measures in Amendment 16 and the gag ACL.
2. In December 2007, the SSC motion indicated that the values for gag are ABC=694,000 pounds and OFL=yield at MFMT. In June 2008, the SSC stated that for species assessed through SEDAR, ABC=yield at 75%F_{MSY} and OFL=yield at MFMT. In December 2008, the SSC withdrew the ABC and OFL recommendations for gag established at the June 2008 meeting. The SSC previously specified MFMT for gag in Amendment 16. At their June 2009 meeting, the SSC recommended an ABC = 805,000 pounds gutted weight in landed catch and 18,000 discarded fish.
3. At their June 2009 meeting, the SSC did not provide an ABC value for golden tilefish because of the age of the assessment and lack of a current estimate of abundance. The Council has determined that the current commercial quota of 331,000 pounds whole weight (295,000 pounds gutted weight) is the status quo commercial ACL. This value is set at the F_{MSY} level. The Council is considering alternatives for the commercial ACL that would be set at the F_{OY} level.
4. In December 2007, the SSC motion indicated that the values for vermilion snapper are ABC=628,459 pounds and OFL=yield at MFMT. In June 2008, the SSC stated that for species assessed through SEDAR, ABC=yield at 75%F_{MSY} and OFL=yield at MFMT. A new age-based assessment was completed for vermilion snapper in 2008. In December 2008, the SSC withdrew the ABC and OFL recommendations for vermilion established at the June 2008 meeting. The SSC previously specified MFMT for vermilion snapper in Amendment 16. At their June 2009 meeting, the SSC recommended an ABC = 1,109,000 lbs whole weight inclusive of landings and dead discards. The landed portion of this ABC is 1,078,000 lbs whole weight.
5. At their December 2008 meeting, the SSC recommended an ABC = 0 for speckled hind and warsaw grouper.

To summarize, actions proposed in Amendment 17B would:

- Specify ACLs, ACTs, and AMs, where necessary, for 9 species undergoing overfishing;
- Modify management measures as needed to limit harvest to the ACL or ACT;
- Specify allocations for golden tilefish;
- Update the framework procedure for specification of TAC.

ACLs , ACTs, and AMs

Revisions to the Magnuson-Stevens Act in 2006 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing must establish a mechanism for specifying ACLs at a level that prevents overfishing and does not exceed the recommendations of the respective Council's SSC or other established peer review processes. These FMPs also are required to establish within this time frame measures to ensure accountability. AMs are management controls that ensure that the ACLs are not exceeded; examples include corrective measures if overages occur and implementation of an in-season monitoring program. By 2011, FMPs for all other fisheries, except fisheries for species with annual life cycles, must meet these requirements.

The Council is employing a step-wise decision-making process in setting ACLs, ACTs, and management measures to ensure harvest is at or below the ACL (Figure 1-2). The SSC is expected to specify OFLs and ABC recommendations in the future based on criteria specific to levels of data availability. The ACL is the annual catch limit expressed in pounds or numbers of fish that serves as the basis for invoking accountability measures. Setting the ACL provides an opportunity to divide the total ACL into sector-specific ACLs but is not required. The ACT is the target specified in pounds or numbers of fish. Specifying an ACT is optional and up to the discretion of the Council. Catch includes fish that are retained for any purpose, as well dead discards. For fisheries where bycatch estimates are not available in a timely enough manner to manage annual catch, targets may be specified for landings, so long as an estimate of bycatch is accounted for such that total of landings and bycatch will not exceed the stock's ACL.

The final NS1 guidelines recognizes that existing FMPs may use terms and values that are similar to, associated with, or may be equivalent to OFL, ABC, ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. In these situations the guidelines suggest that, as Councils revise their FMPs, they use the same terms as set forth in the NS1 guidelines. Therefore, Amendment 17B will include a discussion of existing harvest level designations which could be used by the Council to specify OFLs, ACLs, ACTs, ABCs, and AMs.

AMs are designed to provoke an action once either the ACL or ACT is reached during the course of a fishing season to reduce the risk overfishing will occur. However, depending on how timely the data are, it might not be realized that either the ACL and/or ACT has been reached until after a season has ended. Such AMs include prohibited retention of species once the sector ACT is met, shortening the length of the subsequent

fishing season to account for overages of the ACL, and reducing the ACT in the subsequent fishing season to account for overages of the ACL.

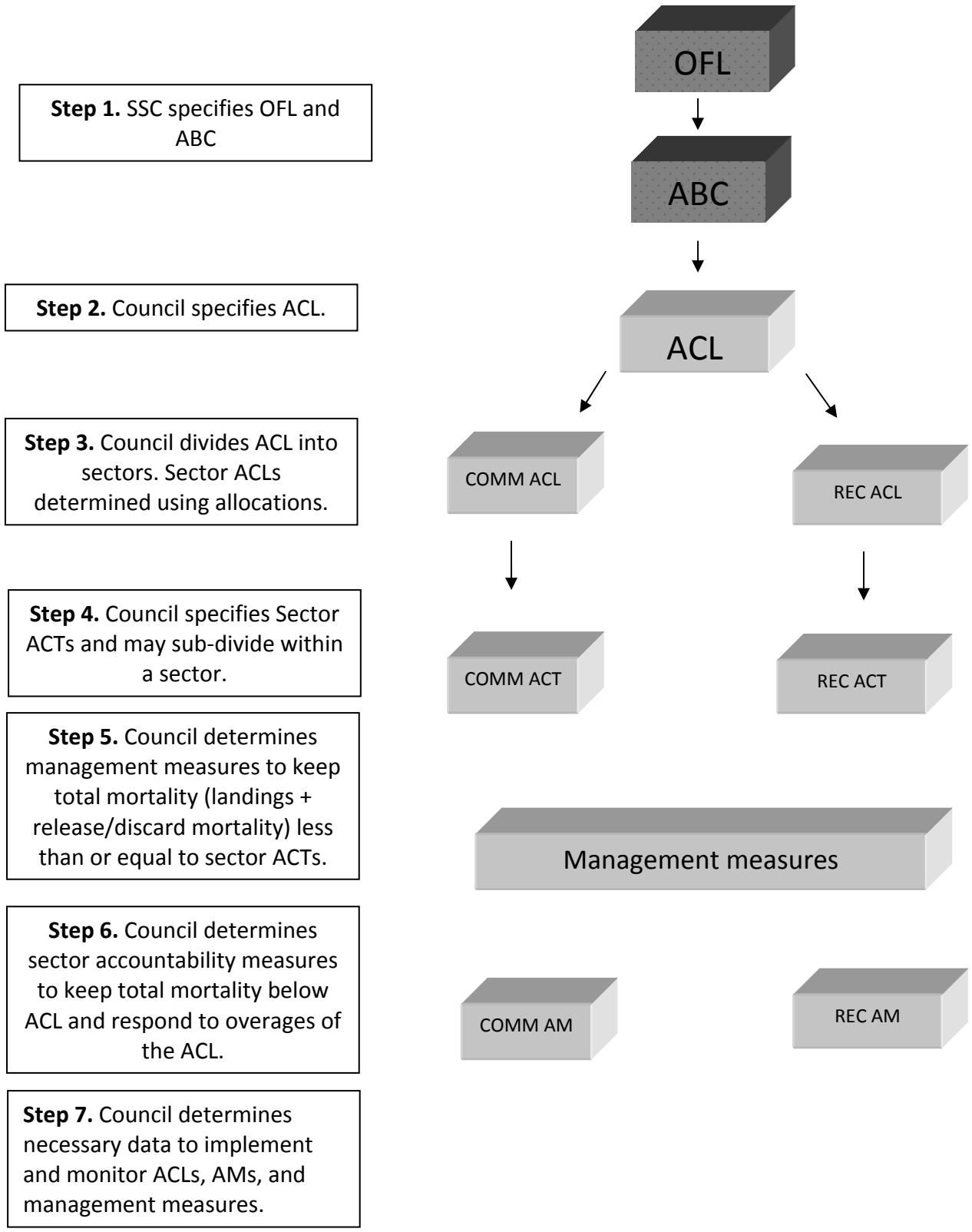


Figure 1-2. The tiering process employed in Snapper Grouper Amendment 17B

Modify management measures as needed to limit harvest to the ACL or ACT

The Council is responsible for implementing regulations that ensure annual catches do not exceed the ACL to ensure overfishing does not occur. The Council will consider alternatives that could adjust management measures for species currently identified as experiencing overfishing.

The Council proposes to implement restrictions to fishing activity in the deepwater fishery due to the management uncertainty (e.g., lack of sufficient information about catch) and low levels of available harvest. More specifically, the Council is proposing to adjust management measures for the deepwater fishery based upon the following information: (1) the SSC's recommendation of ABC = 0 for speckled hind and warsaw grouper; (2) a recreational ACL of 523 fish for snowy grouper; (3) a 100% release mortality rate of deepwater fish in a multi-species fishery; and (4) restrictions on NMFS to monitor mortality imposed on the fishery by the recreational sector. The Council's objective is to implement a management plan to ensure that fishing mortality does not exceed the ACLs.

Update the Framework Procedure for Specification of TAC

The Council is proposing the establishment of ACLs and Annual Catch Targets ACTs, where needed. Currently, the framework procedures (below) specifies that if changes are needed to the TAC, the Council will advise the Regional Administrator in writing of their recommendations accompanied by the Group's report (where appropriate), relevant background material, draft regulations, Regulatory Impact Review and public comments. The Council is considering updating the procedures for specification of TAC in order to incorporate the ACL and ACTs vernacular.

1.3 History of Management

The snapper grouper fishery is highly regulated; some of the species included in this amendment have been regulated since 1983. The following table summarizes actions in each of the amendments to the original FMP, as well as some events not covered in amendment actions.

Table 1-3. History of management.

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
FMP (1983)	08/31/83	PR: 48 FR 26843 FR: 48 FR 39463	-12" limit – red snapper, yellowtail snapper, red grouper, Nassau grouper -8" limit – black sea bass -4" trawl mesh size -Gear limitations – poisons, explosives, fish traps, trawls -Designated modified habitats or artificial reefs as Special Management Zones (SMZs)
Regulatory Amendment #1 (1986)	03/27/87	PR: 51 FR 43937 FR: 52 FR 9864	-Prohibited fishing in SMZs except with hand-held hook-and-line and spearfishing gear. -Prohibited harvest of goliath grouper in SMZs.
Amendment #1 (1988)	01/12/89	PR: 53 FR 42985 FR: 54 FR 1720	-Prohibited trawl gear to harvest fish south of Cape Hatteras, NC and north of Cape Canaveral, FL. -Directed fishery defined as vessel with trawl gear and ≥200 lbs s-g on board. -Established rebuttable assumption that vessel with s-g on board had harvested such fish in EEZ.
Regulatory Amendment #2 (1988)	03/30/89	PR: 53 FR 32412 FR: 54 FR 8342	-Established 2 artificial reefs off Ft. Pierce, FL as SMZs.
Notice of Control Date	09/24/90	55 FR 39039	-Anyone entering federal wreckfish fishery in the EEZ off S. Atlantic states after 09/24/90 was not assured of future access if limited entry program developed.
Regulatory Amendment #3 (1989)	11/02/90	PR: 55 FR 28066 FR: 55 FR 40394	-Established artificial reef at Key Biscayne, FL as SMZ. Fish trapping, bottom longlining, spear fishing, and harvesting of Goliath grouper prohibited in SMZ.
Amendment #2 (1990)	10/30/90	PR: 55 FR 31406 FR: 55 FR 46213	-Prohibited harvest/possession of goliath grouper in or from the EEZ -Defined overfishing for goliath grouper and other species

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Emergency Rule	8/3/90	55 FR 32257	-Added wreckfish to the FMU -Fishing year beginning 4/16/90 -Commercial quota of 2 million pounds -Commercial trip limit of 10,000 pounds per trip
Fishery Closure Notice	8/8/90	55 FR 32635	- Fishery closed because the commercial quota of 2 million pounds was reached
Emergency Rule Extension	11/1/90	55 FR 40181	-extended the measures implemented via emergency rule on 8/3/90
Amendment #3 (1990)	01/31/91	PR: 55 FR 39023 FR: 56 FR 2443	-Added wreckfish to the FMU; -Defined optimum yield and overfishing -Required permit to fish for, land or sell wreckfish; -Required catch and effort reports from selected, permitted vessels; -Established control date of 03/28/90; -Established a fishing year for wreckfish starting April 16; -Established a process to set annual quota, with initial quota of 2 million pounds; provisions for closure; -Established 10,000 pound trip limit; -Established a spawning season closure for wreckfish from January 15 to April 15; and -Provided for annual adjustments of wreckfish management measures;
Notice of Control Date	07/30/91	56 FR 36052	-Anyone entering federal snapper grouper fishery (other than for wreckfish) in the EEZ off S. Atlantic states after 07/30/91 was not assured of future access if limited entry program developed.

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #4 (1991)	01/01/92	PR: 56 FR 29922 FR: 56 FR 56016	-Prohibited gear: fish traps except black sea bass traps north of Cape Canaveral, FL; entanglement nets; longline gear inside 50 fathoms; bottom longlines to harvest wreckfish**; powerheads and bangsticks in designated SMZs off S. Carolina. -defined overfishing/overfished and established rebuilding timeframe: red snapper and groupers ≤ 15 years (year 1 = 1991); other snappers, greater amberjack, black sea bass, red porgy ≤ 10 years (year 1 = 1991) -Required permits (commercial & for-hire) and specified data collection regulations -Established an assessment group and annual adjustment procedure (framework) -Permit, gear, and vessel id requirements specified for black sea bass traps. -No retention of snapper grouper spp. caught in other fisheries with gear prohibited in snapper grouper fishery if captured snapper grouper had no bag limit or harvest was prohibited. If had a bag limit, could retain only the bag limit. -8" limit – lane snapper -10" limit – vermilion snapper (recreational only) -12" limit – red porgy, vermilion snapper (commercial only), gray, yellowtail, mutton, schoolmaster, queen, blackfin, cubera, dog, mahogany, and silk snappers -20" limit – red snapper, gag, and red, black, scamp, yellowfin, and yellowmouth groupers. -28" FL limit – greater amberjack (recreational only) -36" FL or 28" core length – greater amberjack (commercial only) -bag limits – 10 vermilion snapper, 3 greater amberjack -aggregate snapper bag limit – 10/person/day, excluding vermilion snapper and allowing no more than 2 red snappers -aggregate grouper bag limit – 5/person/day, excluding Nassau and goliath grouper, for which no retention (recreational & commercial) is allowed -spawning season closure – commercial harvest greater amberjack > 3 fish bag prohibited in April south of Cape Canaveral, FL -spawning season closure – commercial harvest mutton snapper >snapper aggregate prohibited during May and June -charter/headboats and excursion boat possession limits extended

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #5 (1991)	04/06/92	PR: 56 FR 57302 FR: 57 FR 7886	-Wreckfish: established limited entry system with ITQs; required dealer to have permit; rescinded 10,000 lb. trip limit; required off-loading between 8 am and 5 pm; reduced occasions when 24-hour advance notice of offloading required for off-loading; established procedure for initial distribution of percentage shares of TAC
Emergency Rule	8/31/92	57 FR 39365	-Black Sea Bass (bsb): modified definition of bsb pot; allowed multi-gear trips for bsb; allowed retention of incidentally-caught fish on bsb trips
Emergency Rule Extension	11/30/92	57 FR 56522	-Black Sea Bass: modified definition of bsb pot; allowed multi-gear trips for bsb; allowed retention of incidentally-caught fish on bsb trips
Regulatory Amendment #4 (1992)	07/06/93	FR: 58 FR 36155	-Black Sea Bass: modified definition of bsb pot; allowed multi-gear trips for bsb; allowed retention of incidentally-caught fish on bsb trips
Regulatory Amendment #5 (1992)	07/31/93	PR: 58 FR 13732 FR: 58 FR 35895	-Established 8 SMZs off S. Carolina, where only hand-held, hook-and-line gear and spearfishing (excluding powerheads) was allowed.
Amendment #6 (1993)	07/27/94	PR: 59 FR 9721 FR: 59 FR 27242	-commercial quotas for snowy grouper, golden tilefish -commercial trip limits for snowy grouper, golden tilefish, speckled hind, and warsaw grouper -include golden tilefish in grouper recreational aggregate bag limits -prohibited sale of warsaw grouper and speckled hind -100% logbook coverage upon renewal of permit -creation of the *Oculina* Experimental Closed Area -data collection needs specified for evaluation of possible future IFQ system
Amendment #7 (1994)	01/23/95	PR: 59 FR 47833 FR: 59 FR 66270	-12" FL – hogfish -16" TL – mutton snapper -required dealer, charter and headboat federal permits -allowed sale under specified conditions -specified allowable gear and made allowance for experimental gear -allowed multi-gear trips in N. Carolina -added localized overfishing to list of problems and objectives -adjusted bag limit and crew specs. for charter and head boats -modified management unit for scup to apply south of Cape Hatteras, NC -modified framework procedure
Regulatory Amendment #6 (1994)	05/22/95	PR: 60 FR 8620 FR: 60 FR 19683	Established actions which applied only to EEZ off Atlantic coast of FL: Bag limits – 5 hogfish/person/day (recreational only), 2 cubera snapper/person/day > 30" TL; 12" TL – gray triggerfish
Notice of Control Date	04/23/97	62 FR 22995	-Anyone entering federal bsb pot fishery off S. Atlantic states after 04/23/97 was not assured of future access if limited entry program developed.

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #8 (1997)	12/14/98	PR: 63 FR 1813 FR: 63 FR 38298	-established program to limit initial eligibility for snapper grouper fishery: Must demonstrate landings of any species in SG FMU in 1993, 1994, 1995 or 1996; and have held valid SG permit between 02/11/96 and 02/11/97. -granted transferable permit with unlimited landings if vessel landed ≥ 1,000 lbs. of snapper grouper spp. in any of the years -granted non-transferable permit with 225 lb. trip limit to all other vessels -modified problems, objectives, OY, and overfishing definitions -expanded Council's habitat responsibility -allowed retention of snapper grouper spp. in excess of bag limit on permitted vessel with a single bait net or cast nets on board -allowed permitted vessels to possess filleted fish harvested in the Bahamas under certain conditions.
Regulatory Amendment #7 (1998)	01/29/99	PR: 63 FR 43656 FR: 63 FR 71793	-Established 10 SMZs at artificial reefs off South Carolina.
Interim Rule Request	1/16/98		-Council requested all Amendment 9 measures except black sea bass pot construction changes be implemented as an interim request under MSA
Action Suspended	5/14/98		-NMFS informed the Council that action on the interim rule request was suspended
Emergency Rule Request	9/24/98		-Council requested Amendment 9 be implemented via emergency rule
Request not Implemented	1/22/99		-NMFS informed the Council that the final rule for Amendment 9 would be effective 2/24/99; therefore they did not implement the emergency rule

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #9 (1998)	2/24/99	PR: 63 FR 63276 FR: 64 FR 3624	-Red porgy: 14" length (recreational and commercial); 5 fish rec. bag limit; no harvest or possession > bag limit, and no purchase or sale, in March and April. -Black sea bass: 10" length (recreational and commercial); 20 fish rec. bag limit; required escape vents and escape panels with degradable fasteners in bsb pots -Greater amberjack: 1 fish rec. bag limit; no harvest or possession > bag limit, and no purchase or sale, during April; quota = 1,169,931 lbs; began fishing year May 1; prohibited coring. -Vermilion snapper: 11" length (recreational) Gag: 24" length (recreational); no commercial harvest or possession > bag limit, and no purchase or sale, during March and April -Black grouper: 24" length (recreational and commercial); no harvest or possession > bag limit, and no purchase or sale, during March and April. -Gag and Black grouper: within 5 fish aggregate grouper bag limit, no more than 2 fish may be gag or black grouper (individually or in combination) -All SG without a bag limit: aggregate recreational bag limit 20 fish/person/day, excluding tomtate and blue runners -Vessels with longline gear aboard may only possess snowy, warsaw, yellowedge, and misty grouper, and golden, blueline and sand tilefish.
Amendment #9 (1998) resubmitted	10/13/00	PR: 63 FR 63276 FR: 65 FR 55203	-Commercial trip limit for greater amberjack
Regulatory Amendment #8 (2000)	11/15/00	PR: 65 FR 41041 FR: 65 FR 61114	-Established 12 SMZs at artificial reefs off Georgia; revised boundaries of 7 existing SMZs off Georgia to meet CG permit specs; restricted fishing in new and revised SMZs
Emergency Interim Rule	09/08/99, expired 08/28/00	64 FR 48324 and 65 FR 10040	-Prohibited harvest or possession of red porgy.
Emergency Action	9/3/99	64 FR 48326	-Reopened the Amendment 8 permit application process
Amendment #10 (1998)	07/14/00	PR: 64 FR 37082 and 64 FR 59152 FR: 65 FR 37292	-Identified EFH and established HAPCs for species in the SG FMU.

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #11 (1998d)	12/02/99	PR: 64 FR 27952 FR: 64 FR 59126	-MSY proxy: goliath and Nassau grouper = 40% static SPR; all other species = 30% static SPR -OY: hermaphroditic groupers = 45% static SPR; goliath and Nassau grouper = 50% static SPR; all other species = 40% static SPR -Overfished/overfishing evaluations: BSB: overfished (MSST=3.72 mp, 1995 biomass=1.33 mp); undergoing overfishing (MFMT=0.72, F1991-1995=0.95) Vermilion snapper: overfished (static SPR = 21-27%). Red porgy: overfished (static SPR = 14-19%). Red snapper: overfished (static SPR = 24-32%) Gag: overfished (static SPR = 27%) Scamp: no longer overfished (static SPR = 35%) Speckled hind: overfished (static SPR = 8-13%) Warsaw grouper: overfished (static SPR = 6-14%) Snowy grouper: overfished (static SPR = 5=15%) White grunt: no longer overfished (static SPR = 29-39%) Golden tilefish: overfished (couldn't estimate static SPR) Nassau grouper: overfished (couldn't estimate static SPR) Goliath grouper: overfished (couldn't estimate static SPR) -overfishing level: goliath and Nassau grouper = F>F40% static SPR; all other species: = F>F30% static SPR Approved definitions for overfished and overfishing. MSST = [(1-M) or 0.5 whichever is greater]*B_{MSY}. MFMT = F_{MSY}
Amendment #12 (2000)	09/22/00	PR: 65 FR 35877 FR: 65 FR 51248	-Red porgy: MSY=4.38 mp; OY=45% static SPR; MFMT=0.43; MSST=7.34 mp; rebuilding timeframe=18 years (1999=year 1); no sale during Jan-April; 1 fish bag limit; 50 lb. bycatch comm. trip limit May-December; modified management options and list of possible framework actions.
Amendment #13A (2003)	04/26/04	PR: 68 FR 66069 FR: 69 FR 15731	-Extended for an indefinite period the regulation prohibiting fishing for and possessing snapper grouper spp. within the *Oculina* Experimental Closed Area.
Notice of Control Date	10/14/05	70 FR 60058	-The Council is considering management measures to further limit participation or effort in the commercial fishery for snapper grouper species (excluding Wreckfish).

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #13C (2006)	10/23/06	PR: 71 FR 28841 FR: 71 FR 55096	- End overfishing of snowy grouper, vermilion snapper, black sea bass, and golden tilefish. Increase allowable catch of red porgy. Year 1 = 2006. 1. Snowy Grouper Commercial: Quota (gutted weight) = 151,000 lbs gw in year 1, 118,000 lbs gw in year 2, and 84,000 lbs gw in year 3 onwards. Trip limit = 275 lbs gw in year 1, 175 lbs gw in year 2, and 100 lbs gw in year 3 onwards. Recreational: Limit possession to one snowy grouper in 5 grouper per person/day aggregate bag limit. 2. Golden Tilefish Commercial: Quota of 295,000 lbs gw, 4,000 lbs gw trip limit until 75% of the quota is taken when the trip limit is reduced to 300 lbs gw. Do not adjust the trip limit downwards unless 75% is captured on or before September 1. Recreational: Limit possession to 1 golden tilefish in 5 grouper per person/day aggregate bag limit. 3. Vermilion Snapper Commercial: Quota of 1,100,000 lbs gw. Recreational: 12" size limit. 4. Black Sea Bass Commercial: Commercial quota (gutted weight) of 477,000 lbs gw in year 1, 423,000 lbs gw in year 2, and 309,000 lbs gw in year 3 onwards. Require use of at least 2" mesh for the entire back panel of black sea bass pots effective 6 months after publication of the final rule. Require black sea bass pots be removed from the water when the quota is met. Change fishing year from calendar year to June 1 – May 31. Recreational: Recreational allocation of 633,000 lbs gw in year 1, 560,000 lbs gw in year 2, and 409,000 lbs gw in year 3 onwards. Increase minimum size limit from 10" to 11" in year 1 and to 12" in year 2. Reduce recreational bag limit from 20 to 15 per person per day. Change fishing year from the calendar year to June 1 through May 31. 5. Red Porgy Commercial and recreational 1. Retain 14" TL size limit and seasonal closure (retention limited to the bag limit); 2. Specify a commercial quota of 127,000 lbs gw and prohibit sale/purchase and prohibit harvest and/or possession beyond the bag limit when quota is taken and/or during January through April; 3. Increase commercial trip limit from 50 lbs ww to 120 red porgy (210 lbs gw) during May through December; 4. Increase recreational bag limit from one to three red porgy per person per day.
Notice of Control Date	3/8/07	72 FR 60794	-The Council may consider measures to limit participation in the snapper grouper for-hire fishery

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Amendment #14 (2007) Sent to NMFS 7/18/07	2/12/09	PR: 73 FR 32281 FR: 74 FR 1621	-Establish eight deepwater Type II marine protected areas (MPAs) to protect a portion of the population and habitat of long-lived deepwater snapper grouper species.
Amendment #15A (2007)	3/14/08	73 FR 14942	- Establish rebuilding plans and SFA parameters for snowy grouper, black sea bass, and red porgy.
Amendment #15B (2008b)	02/15/10	PR: 74 FR 30569 FR: 74 FR 58902	- Prohibit the sale of bag-limit caught snapper grouper species. -Reduce the effects of incidental hooking on sea turtles and smalltooth sawfish. - Adjust commercial renewal periods and transferability requirements. - Implement plan to monitor and assess bycatch, - Establish reference points for golden tilefish. - Establish allocations for snowy grouper (95% com & 5% rec) and red porgy (50% com & 50% rec).
Amendment #16 (SAFMC 2008c)	7/29/09	PR: 74 FR 6297 FR: 74 FR 30964	-Specify SFA parameters for gag and vermilion snapper -For gag grouper: Specify interim allocations 51%com & 49%rec; rec & com spawning closure January through April; directed com quota=348,440 pounds gutted weight; reduce 5-grouper aggregate to 3-grouper and 2 gag/black to 1 gag/black and exclude captain & crew from possessing bag limit. -For vermilion snapper: Specify interim allocations 68%com & 32%rec; directed com quota split Jan-June=168,501 pounds gutted weight and 155,501 pounds July-Dec; reduce bag limit from 10 to 4 and a rec closed season October through May 15. In addition, the NMFS RA will set new regulations based on new stock assessment. -Require dehooking tools.
Amendment #17A (TBD)	TBD	TBD	-Specify an ACL and an AM for red snapper with management measures to reduce the probability that catches will exceed the stocks' ACL -Specify a rebuilding plan for red snapper -Specify status determination criteria for red snapper -Specify a monitoring program for red snapper
Amendment #17B (TBD)	TBD	TBD	-Specify ACLs, ACTs, and AMs, where necessary, for 9 species undergoing overfishing. -Modify management measures as needed to limit harvest to the ACL or ACT. -Update the framework procedure for specification of total allowable catch.

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Notice of Control Date	12/4/08	TBD	Establishes a control date for the golden tilefish fishery of the South Atlantic
Notice of Control Date	12/4/08	TBD	Establishes control date for black sea bass pot fishery of the South Atlantic
Amendment 18 (TBD)	TBD	TBD	-Extend the range of the snapper-grouper FMP north -Limit participation and effort in the golden tilefish fishery -Modifications to management of the black sea bass pot fishery -Separate snowy grouper quota into regions/states -Separate the gag recreational allocation into regions/states -Change the golden tilefish fishing year -Improve the accuracy, timing, and quantity of fisheries statistics -Designate EFH in new northern areas
Amendment 19	TBD	TBD	-Establish deepwater coral HAPCs
Amendment 20	TBD	TBD	-Update wreckfish ITQ according to reauthorized MSFCMA -Establish ACLs, AMs, and management reference points for wreckfish fishery

Document	All Actions Effective By:	Proposed Rule Final Rule	Major Actions. Note that not all details are provided here. Please refer to Proposed and Final Rules for all impacts of listed documents.
Comprehensive ACL Amendment	TBD	TBD	-Establish ABC control rules, establish ABCs, ACTs, and AMs for species not undergoing overfishing -Remove some species from South Atlantic FMUs -Specify allocations among the commercial, recreational, and for-hire sectors for species not undergoing overfishing -Limit the total mortality for federally managed species in the South Atlantic to the ACTs -Address spiny lobster issues.

1.3 Management Objectives

Objectives of the Snapper Grouper FMP, as modified by Amendment 8 (SAFMC June 1996), are shown below. In addition, two new objectives as proposed in Amendment 17B are also provided.

1. Prevent overfishing.
2. Collect necessary data.
3. Promote orderly utilization of the resource.
4. Provide for a flexible management system.
5. Minimize habitat damage.
6. Promote public compliance and enforcement.
7. Mechanism to vest participants.
8. Promote stability and facilitate long-run planning.
9. Create market-driven harvest pace and increase product continuity.
10. Minimize gear and area conflicts among fishermen.
11. Decrease incentives for overcapitalization.
12. Prevent continual dissipation of returns from fishing through open access.
13. Evaluate and minimize localized depletion.
14. End overfishing of snapper grouper stocks undergoing overfishing.
15. Rebuild stocks declared overfished.

2 Actions and Alternatives

Section 2.1 outlines alternatives considered by the Council in this amendment and compares their environmental consequences (described in detail in **Section 4.0**). These alternatives were identified and developed through multiple processes, including the scoping process, public hearings and/or comments, interdisciplinary plan team meetings, and meetings of the Council, the Council's Snapper Grouper Committee, Snapper Grouper Advisory Panel, and Scientific and Statistical Committee. Species affected by the proposed actions and alternatives below include: Golden tilefish, speckled hind, warsaw grouper, snowy grouper, black grouper, black sea bass, gag, red grouper, and vermilion snapper. Alternatives the Council considered but eliminated from detailed study during the development of this amendment are described in **Appendix A**.

2.1 Speckled hind/warsaw grouper

Note: More than one alternative may be chosen as a preferred alternative.

Alternative 1 (Status Quo). Retain existing regulations for deepwater species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper) (Tables 4-1 and 4-2). Do not specify commercial and recreational ACLs, ACTS, or AMs. Existing regulations include: 622.32(4)(c)(3). One speckled hind per vessel per trip included in the 3 grouper aggregate bag limit, and one warsaw grouper per vessel per trip included in the 3 grouper aggregate bag limit. 622.45(d)(4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

Alternative 2. Establish an ACL = 0 (landed catch only *added by the IPT*) for speckled hind and warsaw grouper. Prohibit all commercial and recreational fishing for, possession and retention of speckled hind and warsaw grouper.

*The IPT suggests the council consider also choosing **Alternative 2.** as a preferred since **Alternative 4 (Preferred)** does not prohibit harvest shoreward of 240 ft.*

Alternative 3. Establish an ACL = 0 (landed catch only *added by the IPT*) for speckled hind and warsaw grouper. Prohibit all commercial and recreational fishing for, possession, and retention of deepwater species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper).

Alternative 4 (Preferred). Establish an ACL = 0 (landed catch only *added by the IPT*) and prohibit all fishing for, possession, and retention of deepwater snapper species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper) beyond a depth of 240 feet (40 fathoms; 73 m).

The IPT suggested using a generalized boundary that closely follows the 240 ft. contour line in order to reduce the number of waypoint used for its delineation.

Figure 2-1, Generalized 240 ft. depth contour line see Table 4-6 for waypoints used in this boundary.

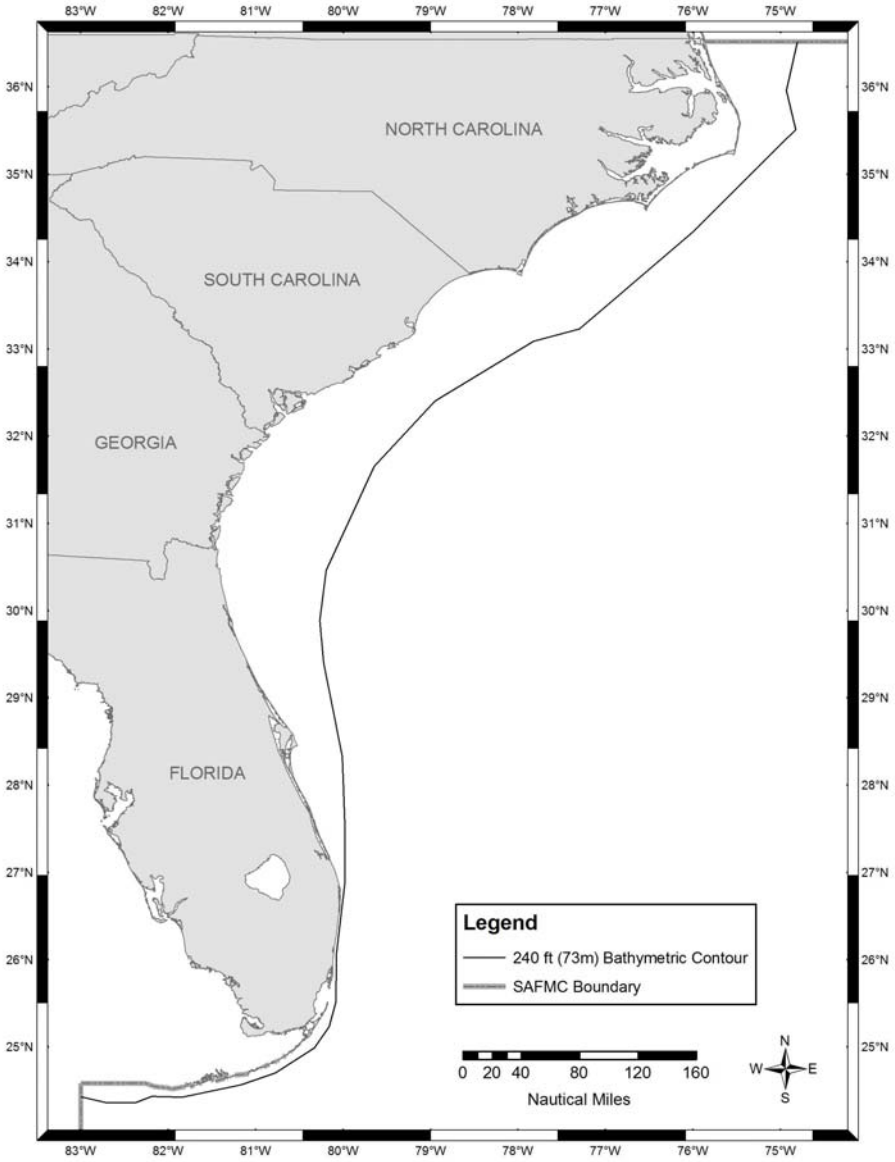


Table 2-1 Waypoints used to delineate generalized 240 ft. boundary.

Point	Latitude N (Degrees Minutes Seconds)	Longitude W (Degrees Minutes Seconds)
1	36°31'01"	74°48'10"
2	35°57'29"	74°55'49"
3	35°30'49"	74°49'17"
4	34°19'41"	76°00'21"
5	33°13'31"	77°17'50"
6	33°05'13"	77°49'24"
7	32°24'03"	78°57'03"
8	31°39'04"	79°38'46"
9	30°27'33"	80°11'39"
10	29°53'21"	80°16'01"
11	29°24'03"	80°13'28"
12	28°19'29"	80°00'27"
13	27°32'05"	79°58'49"
14	26°52'45"	79°58'49"
15	26°03'36"	80°04'33"
16	25°31'03"	80°04'55"
17	25°13'44"	80°09'40"
18	24°59'09"	80°19'51"
19	24°42'06"	80°46'38"
20	24°33'53"	81°10'23"
21	24°25'20"	81°50'25"
22	24°25'49"	82°11'17"
23	24°21'35"	82°22'32"
24	24°21'29"	82°42'33"
25	24°25'37"	83°00'00"

Alternative 5. Establish an ACL = 0 (landed catch only *added by the IPT*) and prohibit all fishing for, possession, and retention of deep water snapper grouper species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper) beyond a depth of 300 feet (50 fathoms; 92 m).

The IPT suggested using a generalized boundary that closely follows the 240 ft. contour line in order to reduce the number of waypoint used for its delineation.

Figure 2-2, Generalized 300 ft. depth contour line see Table 4-7 for the waypoints used in this boundary.

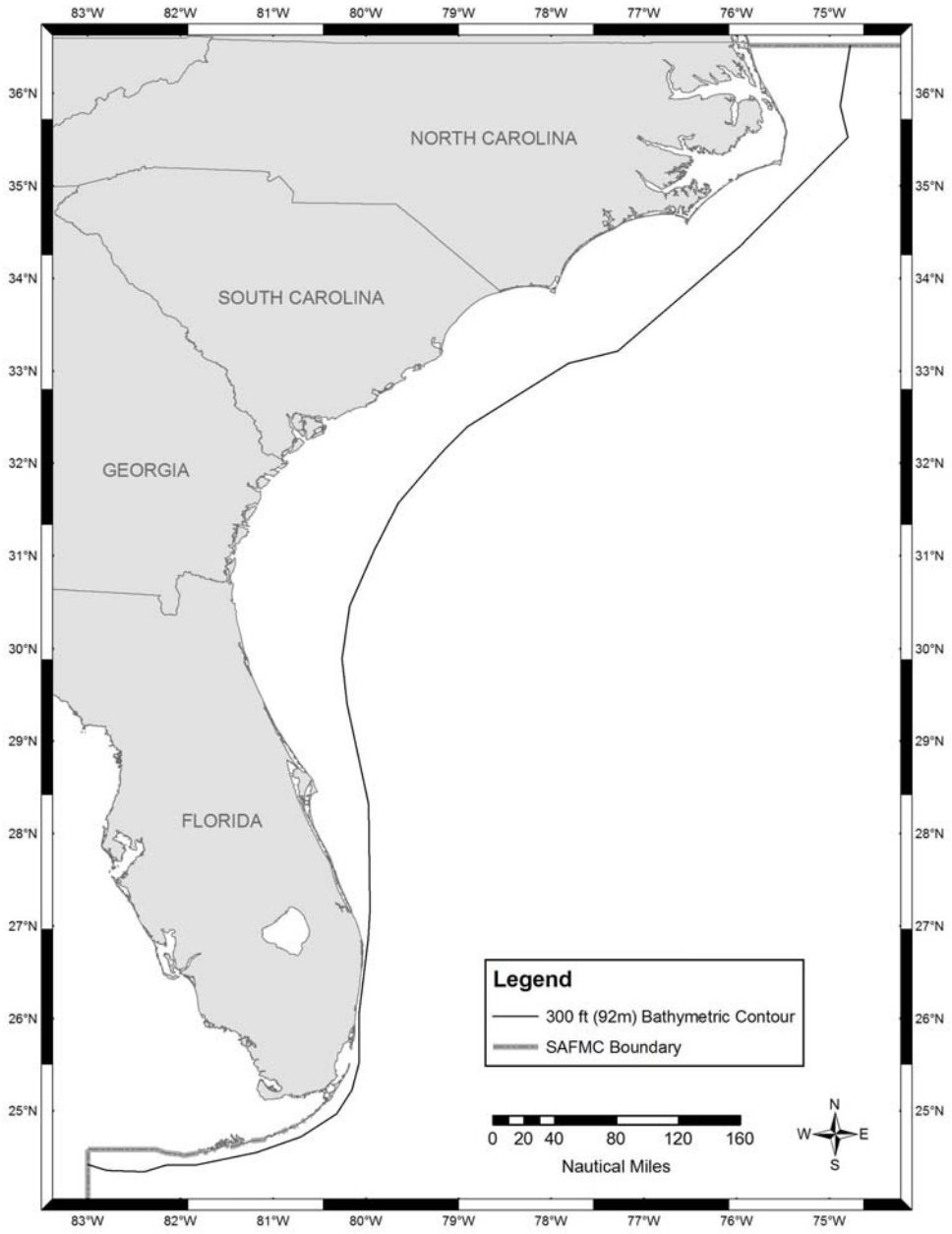


Table 2-2 Waypoints used to delineate 300 ft boundary.

Point	Latitude N (Degrees Minutes Seconds)	Longitude W (Degrees Minutes Seconds)
1	36°31'01"	74°46'21"
2	35°51'59"	74°52'52"
3	35°31'36"	74°47'57"
4	34°20'35"	75°57'53"
5	33°12'48"	77°16'60"
6	33°04'48"	77°48'37"
7	32°23'28"	78°54'32"
8	32°06'03"	79°11'41"
9	31°34'08"	79°38'57"
10	31°03'17"	79°54'37"
11	30°27'19"	80°10'34"
12	29°53'31"	80°15'25"
13	29°24'24"	80°12'13"
14	28°18'51"	79°58'12"
15	27°10'16"	79°57'23"
16	26°51'22"	79°58'25"
17	26°03'30"	80°04'19"
18	25°31'19"	80°04'28"
19	25°13'28"	80°09'02"
20	24°57'56"	80°18'48"
21	24°43'11"	80°41'59"
22	24°33'04"	81°10'52"
23	24°24'50"	81°50'05"
24	24°24'50"	82°09'16"
25	24°20'29"	82°23'23"
26	24°21'15"	82°47'46"
27	24°24'55"	83°00'00"

2.1.1 Comparison of Alternatives

Alternative 1 (Status Quo) would have the smallest positive biological effect on the species, and would incur the least socioeconomic impact relative to **Alternatives 2-5**, which would specify an ACL of 0. Biologically, **Alternatives 2-5** would have a greater positive impact compared to **Alternative 1 (Status Quo),** since harvest of speckled hind and warsaw grouper would be prohibited and total mortality would be limited to that related only to discards. However, it is possible that prohibiting the harvest of speckled hind and warsaw grouper alone without prohibiting the harvest of co-occurring species would not reduce fishing mortality enough to end overfishing of the species due to discard mortality, as would be the case under **Alternative 2**. **Alternative 3** would provide a greater biological benefit over **Alternative 2** because it would prohibit the harvest of *all* deepwater snapper grouper species that co-occur with

adult speckled hind and warsaw grouper. Closing the area beyond 240 feet **(Alternative 4 (Preferred)**, to deepwater snapper grouper fishing, with the exception of golden tilefish, would provide protection to the largest, most fecund fish and ensure a natural sex ratio into the future. Speckled hind are thought to form spawning aggregations, which can be susceptible to targeted fishing pressure (G. Gilmore, Dynamac Corporation, personal communication). Prohibiting all harvest of deepwater snapper grouper species beyond 240 feet would also protect these spawning aggregations, as well as decrease bycatch mortality of speckled hind, warsaw grouper, and other co-occurring deepwater snapper grouper species. The biological effects of **Alternative 5** would be very similar to those under **Alternative 4 (Preferred)**. However, under **Alternative 5** the prohibition on fishing for deepwater species and associated protections would be pushed out to 300 ft. Overall biological benefits would be slightly less under **Alternative 5** when compared to the preferred alternative.

Economically, the most negative impact would be incurred under **Alternative 3**, whereas the least negative impact would be expected under **Alternative 2**. Administratively, **Alternatives 2** and **3** would produce equally negative administrative impacts relative to each other; however, such impacts would be minimal. **Alternative 4 (Preferred)** is likely to yield biological benefits that are slightly less than **Alternative 3**, but **Alternative 4 (Preferred)** would have a lower negative socioeconomic impact than **Alternative 3** since it would allow fishing in waters shallower than 240 ft. Administratively, **Alternative 4 (Preferred)** is the most burdensome since a boundary would need to be monitored for deepwater grouper fishing violations.

Alternative 1 (Status Quo) is not a viable alternative because it would not establish required components of FMPs. **Alternative 4 (Preferred)** would be expected to result in greater adverse social effects than **Alternative 2**, because it would also prohibit the harvest of additional deepwater species, but fewer adverse social effects than **Alternative 3** because only harvests of these additional species from deeper waters would be prohibited. Because **Alternative 5** would impose less severe harvest restrictions than **Alternative 4 (Preferred)**, it would be expected to result in lower adverse social effects relative to **Alternative 4 (Preferred)**.

2.1.2 Council Conclusion

2.2 Golden Tilefish

2.2.1 Golden Tilefish Allocations

At the September meeting it was mentioned that defining allocations may not be needed for golden tilefish based on the fact that there's not enough allocation on the recreational side to effectively monitor that sector ACL. It was suggested that there should be a single ACL for golden tilefish.

Alternative 1 (Status Quo). Do not define allocations for golden tilefish.

Alternative 2. Define allocations for golden tilefish based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on landings from the years 2006-2008. The allocation would be 96% commercial and 4% recreational. Beginning in 2010, the commercial allocation would be 288,365 lbs gutted weight and the recreational allocation would be 2,167 fish (12,015 lbs gutted weight). The commercial and recreational allocation specified for 2010 would remain in effect beyond 2010 until modified.

Alternative 3. (Preferred) Define allocations for golden tilefish based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on the following formula for each sector:
Sector apportionment = (50% * average of long catch range (lbs) 1986-2008) + (50% * average of recent catch trend (lbs) 2006-2008). The allocation would be 97% commercial and 3% recreational. Beginning in 2010, the commercial allocation would be 291,369 lbs gutted weight and the recreational allocation would be 1,625 fish (9,011 lbs gutted weight). The commercial and recreational allocation specified for 2010 would remain in effect beyond 2010 until modified.

Alternative 4. Split the allocations for golden tilefish equally among the two sectors. The allocation would be 50% commercial and 50% recreational. Beginning in 2010, the commercial allocation would be 150,190 lbs gutted weight and the recreational allocation would be 27,087 fish (150,190 lbs gutted weight). The commercial and recreational allocation specified for 2010 would remain in effect beyond 2010 until modified.

2.2.1.1 Comparison of Alternatives

Alternative 1 (Status Quo) would not specify a commercial or recreational allocation for golden tilefish. If an allocation was not specified then it would not be possible to identify the ACL in the recreational sector. Allocation **Alternatives 2-4** would range from 50% commercial/50% recreational (**Alternative 3**) to 97% commercial/3% recreational (**Alternatives 2**). Alternatives that allocate a greater portion of the harvest to the commercial sector could have a greater negative impact on habitat since some golden tilefish are predominately taken with longline gear, which is considered to do greater damage to hard bottom habitat than vertical hook and line gear (SAFMC 2007). However, damage to bottom habitat with longline gear has not been very well documented. **Alternative 4** would divide golden tilefish allocations equally among the recreational and commercial sectors. This could result in a substantial reduction in the commercial harvest while allowing a potential increase in recreational harvest that may not be attainable with the current restriction of one fish per person per day. As a result, an overall decrease in harvest of golden tilefish could occur under **Alternative 4** resulting in biological benefits for the species. Therefore, the biological benefit of **Alternative 4** would exceed all other alternatives, while there would be little difference among **Alternatives 2** through **4**.

Alternative 1 (Status Quo) is not a viable alternative because it would not support sufficient sector monitoring and management consistent with the needs of ACLs and AMs. The expected social effects of **Alternative 2** and **Alternative 3 (Preferred)** would be expected to be virtually indistinct because each would establish allocations that effectively mirror historic harvest patterns. **Alternative 4** would result in the greatest deviation from historic harvest patterns and, as a result, would be expected to result in the greatest adverse social effects.

2.2.1.2 Council Conclusion

2.2.2 Golden Tilefish ACLs and AMs

Alternative 1 (Status Quo). Retain existing regulations for golden tilefish. The commercial ACL, based on the commercial quota (currently set at the F_{MSY} level), equals 331,000 lbs ww (295,000 lbs gw). The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Alternative 2 (Preferred). Establish the commercial ACL (quota) at the F_{OY} level. The commercial quota would be based on the allocation alternative selected in **Section 2.2.1** (Table 2-3). The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met.

The IPT suggested the Council may want to consider adding an overage correction to the commercial AM, whereby one year's overage would result in a payback administered the following year.

Specify a recreational ACL in numbers of fish based upon the allocation decision in **Section 2.2.1** and the yield at F_{OY}. Implement Accountability Measures (AMs) for the recreational sector for golden tilefish. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use three-year running average.

Alternative 3. Establish a *single* ACL (commercial and recreational) using the total of the commercial ACL (quota) at the F_{OY} level and the recreational allowable harvest at the OY level. The total ACL would be 326,554 lbs ww (291,566 lbs gw). The AM would prohibit harvest in the commercial and recreational sectors when the ACL is projected to be met.

Alternative 4. Establish a recreational accountability measure that would implement a 1 golden tilefish *per vessel* per day when the *single* ACL (the total of the commercial ACL (quota) at the F_{OY} level and the recreational allowable harvest at the OY level, 326,554 lbs ww (291,566 lbs gw), is projected to be met.

Alternative 5. Establish an ACL (commercial and recreational) based on the yield at F_{OY} for the commercial fishery (Table 2-3). The AM for the commercial and recreational sectors is to prohibit harvest, possession, and retention in both sectors when commercial landings exceed the ACL.

Table 2-3. Commercial quota (ACL) and recreational ACL for **Alternatives 2** and **5** under the various allocation alternatives specified in **Section 2.2.1.**

Allocation (Comm/Rec)	Comm Allocation (lbs)	Rec Allocation (lbs)	Rec Allocation (numbers)	Comm quota (lbs) OY	Rec ACL lbs (OY)	Rec ACL number (OY)
Alternative 2 (97%/3%)	291,369	9,011	1,625	282,819	8,747	1,578
Alternative 3 (96%/4%)	288,365	12,015	2,167	279,903	11,663	2,103
Alternative 4 (97%/3%)	291,369	9,011	1,625	282,819	8,747	1,578
Alternative 5 (50%/50%)	150,190	150,190	27,087	145,783	145,783	26,293

2.2.2.1 Comparison of Alternatives

Alternative 1 (Status Quo) would maintain the current golden tilefish quota based on the yield at F_{MSY}, which would serve as the golden tilefish ACL for the commercial sector. It would also maintain the prohibition on all fishing for golden tilefish once the quota is met; thereby, acting as a commercial and recreational AM. **Alternative 1 (Status Quo)** would satisfy reauthorized Magnuson-Stevens Act requirements without implementing further harvest restrictions or incurring additional socioeconomic impacts. **Alternatives 2 (Preferred), 3,** and **5** would establish ACLs based on the yield associated with F_{OY}, which is a more conservative approach to rebuilding the fishery since F_{OY} is 75% of F_{MSY}. **Alternative 2 (Preferred)** would also implement AMs for the recreational sector. Under **Alternatives 2** and **5** the current commercial quota, which is 295,000 lb gw, would depend on the preferred allocation alternative and is specified in Table 2-3. Under **Alternative 3,** the total commercial and recreational ACL would be 291,566 lbs gw. These reductions would likely yield more biological benefits than **Alternatives 1 (Status Quo)** and **4**; however, negative socioeconomic impacts would be incurred proportionate to the level of respective harvest reductions. Furthermore, under **Alternatives 4** and **5**, if commercial fishermen met the quota early in the year and the ACL in the various alternatives was met, it could reduce the chance for recreational fishermen to catch golden tilefish during the period of the year when they have historically targeted the species.

Alternative 1 (Status Quo) would allow the largest total harvest, which would suggest the greatest amount of social benefits as long as the stock is adequately protected, but equity issues would be expected to arise as the recreational sector would not be subjected to the same harvest control or accountability measures as the commercial sector. **Alternative 2 (Preferred)** would establish limits and sector-specific accountability measures, eliminating the equity issues of **Alternative 1 (Status Quo)**, but would reduce the overall allowable harvest. Although **Alternative 3** would allow the same total harvest as **Alternative 2 (Preferred)**, it would be

expected to result in lower social benefits because it would allow one sector to gain at the expense of the other and would require no individual sector accountability. **Alternative 4** would be expected to result in greater social benefits than **Alternative 3** in the short-term, but may result in greater adverse long-term effects if harvest overages degrade the resource. **Alternative 5** may result in the lowest social benefits of all the alternatives considered because of the possibility that the fishery may be restricted to half of its total annual average historic harvests.

2.2.2.2 Council Conclusion

2.3 Snowy grouper

Alternative 1 (Status Quo). Retain existing regulations for snowy grouper. The commercial ACL (82,900 lbs gw) is based on the current TAC of 102,960 lbs ww (87,254 lbs gw), which is based on the yield at F_{OY}. The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. The recreational ACL equals 523 fish. Do not implement AM for the recreational sector. Do not implement an ACT for the commercial or recreational sector.

Alternative 2 (Preferred). Establish a recreational daily bag limit of 1 snowy grouper *per vessel*. Implement Accountability Measures (AMs) for the recreational sector for snowy grouper. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use three-year running average.

Alternative 3. Establish a single ACL (commercial and recreational) based on the current TAC of 102,960 lbs ww (87,254 lbs gw). The AM for both sectors would be a closure when the ACL is projected to be met.

Alternative 4. Establish a recreational AM that would implement a 1 snowy grouper *per vessel* limit when the ACL (the commercial quota) is projected to be met. The AM for the commercial sector would be closure when the quota is met.

2.3.1 Comparison of Alternatives

Under **Alternative 1 (Status Quo)** the catch level for snowy grouper in 2009 would approximate the yield at 75% F_{MSY} and would drop below that level as the stock rebuilds. **Alternative 1 (Status Quo)** would implement a prohibition on harvest once the quota is met with no designation of a recreational AM, and would end overfishing and satisfy the requirements of the reauthorized Magnuson-Stevens Act. **Alternative 2 (Preferred)** would establish a recreational bag limit of 1 snowy grouper per vessel, and would allow the Regional Administrator to reduce

the length of the following fishing year to compensate if the ACL (under **Alternative 1 (Status Quo)**) is exceeded. The commercial AM under **Alternative 2 (Preferred)** would be a closure of the commercial fishery when the quota is met.

Socioeconomic impacts under **Alternative 3** would be approximately the same as those under **Alternative 2 (Preferred).** However, the Regional Administrator would not be able to take any action to compensate for any ACL overages in the following fishing year; therefore, **Alternative 3** may yield a slightly less biological benefit than **Alternative 2 (Preferred).**

Alternative 4 would establish a recreational accountability measure that would implement a 1 snowy grouper per vessel limit when the commercial quota is projected to be met. As some recreational harvest would be allowed after the ACL is met, the biological benefits, of **Alternative 4** would be less than **Alternatives 2** and **3**, and about the same as **Alternative 1 (Status Quo)**. **Alternative 4** would incur less negative socioeconomic impacts than **Alternatives 2** and **3**, and would likely be comparable to those under **Alternative 1 (Status Quo)**.

Alternative 1 (Status Quo) would allow the same total harvest as **Alternative 2 (Preferred)** and **Alternative 3**, but would be expected to invoke equity issues as the recreational sector would not be subjected to the same harvest control or accountability measures as the commercial sector. **Alternative 2 (Preferred)** would establish limits and sector-specific accountability measures and eliminate the equity issues of **Alternative 1 (Status Quo)**. Although **Alternative 3** would allow the same total harvest as **Alternative 2 (Preferred)** (and **Alternative 1 (Status Quo)**), it would be expected to result in lower social benefits because it would allow one sector to gain at the expense of the other and would require no individual sector accountability. **Alternative 4** would be expected to result in greater social benefits than **Alternative 3** in the short-term, but may result in greater adverse long-term effects if harvest overages degrade the resource.

2.4 Black grouper, black sea bass, gag, red grouper, and vermilion snapper

Alternative 1 (Status Quo). Retain existing regulations for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

ACLs

The commercial and recreational ACLs are specified in Table 2-4. The ACLs for black sea bass stock are based on a constant catch rebuilding strategy. The gag, vermilion snapper, and black sea bass ACLs are based on the yields at F_{OY}, and would remain in effect beyond 2009 until modified. The ACLs for black grouper and red grouper are not specified.

AMs

The commercial AM for black sea bass, gag, and vermilion snapper is to prohibit harvest, possession, and retention when the quota for each species is met. The commercial AM for black grouper and red grouper is to prohibit harvest, possession, and retention when the quota for gag is met. All purchase and sale is prohibited when a quota is met. There are no recreational AMs for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

ACTs

ACTs are not specified in the commercial or recreational sectors for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

Table 2-4. The current commercial and recreational ACLs for black sea bass, gag, and vermilion snapper.

Species	Commercial ACL	Recreational ACL
Black sea bass	309,000 lbs gutted weight	409,000 lbs gutted weight
Gag[1]	353,940[1] gutted weight	340,060[1] gutted weight
Black grouper	None	None
Red grouper	None	None
Vermilion snapper [2]	315,523 lbs gutted weight (January – June) and 302,523 lbs gutted weight (July – December) [2]	307,315 lbs gutted weight[2]

[1]Amendment 16 established gag commercial and recreational ACLs of 353,940 lbs gutted weight and 340,060 lbs gw, respectively.
[2]Amendment 16 also established a vermilion snapper commercial ACL of 315,523 lbs gutted weight (January – June) and 302,523 lbs gutted weight (July – December) and a recreational ACL of 307,315 lbs gutted weight.

ACL Alternatives

Alternative 2. Establish commercial and recreational ACLs.

Alternative 2a. The commercial and recreational ACLs for black grouper are 86,886 lbs gutted weight and 31,863 lbs gutted weight, respectively. The commercial and recreational ACLs for red grouper are 221,577 lbs gutted weight and 276,740 lbs gutted weight, respectively. These value are equivalent to the expected catch resulting from the implementation of management measures for red grouper and black grouper in Amendment 16.

Alternative 2b (Preferred). Retain the commercial ACL for gag of 353,940 lbs gutted weight and the commercial AM to prohibit commercial harvest of shallow water groupers when met. Establish the current recreational ACL of gag 340,060 lbs gutted weight.

In addition, establish an ACL for gag, black grouper, and red grouper of 662,403 lbs gutted weight (commercial) and 648,663 lbs gutted weight (recreational). [These values are equivalent to the expected catch resulting from the implementation of management measures for red grouper and black grouper in Amendment 16 and the gag ACL specified in Amendment 16.]

Prohibit the commercial possession of shallow water groupers when either the gag or the gag, black grouper, and red grouper ACL is met.

The Council may consider establishing separate ACLs for red grouper and black grouper using information from the SEDAR workshop held in October 2009. ***Note:*** *SSC is not expected to approve the SEDAR 19 assessment until 2010.*

The IPT would like the Council to consider establishing overage paybacks as AMs in all commercial fisheries.

ACT Alternatives

Alternative 3. Establish an ACT for the recreational sector.

Alternative 3a. The recreational sector ACT equals 85% of the recreational sector ACL.

Alternative 3b. The recreational sector ACT equals 75% of the recreational sector ACL.

Alternative 3c. The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

AM Alternatives

Alternative 4 (Preferred). For black grouper, black sea bass, gag, red grouper, and vermilion snapper, compare recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use three-year running average.

The IPT would like the Council to clarify whether the rolling 3-yr. average of landings is applied only to the overages that will accounted for each year or does it also apply to in season AMs?

Alternative 5. Implement Accountability Measures (AMs) for the recreational sector for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

Alternative 5a. Regardless of stock status, do not implement in season AMs if the sector ACT is projected to be met. If the ACL is exceeded, the Regional Administrator shall publish to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year.

Alternative 5b (Preferred). If a species *is overfished* and the sector ACL is projected to be met, prohibit the harvest and retention of species or species group. If the ACL is exceeded, independent of stock status, the Regional Administrator shall publish a notice to reduce the sector ACL in the following year by the amount of the overage.

Alternative 5c. If a species *is overfished* and the sector ACT is projected to be met, prohibit the harvest and retention of species or species group. If the ACT is exceeded, the Regional Administrator shall publish a notice to reduce the sector ACT in the following year by the amount of the overage.

Table 2-5. Current commercial regulations for shallow water and mid-shelf species.

COMMERCIAL REGULATIONS						
Species	Size Limit	Limited Access	Gear Restrictions	Annual Quota	Seasonal Closures	Area Closures
Black Grouper	24" TL	√	√		Jan-Apr[2]	√
Black Sea Bass	10" TL	√	√	309,000 lbs[1]		√
Gag	24" TL	√	√	416,469 lbs ww 352,940 lbs gw[2]	Jan-Apr[2]	√
Red Grouper	20" TL	√	√		Jan-Apr[2]	√
Vermilion Snapper	12" TL	√	√	315,523 lbs gw (Jan-June) 302,523 lbs gw (July-Dec)[2]		√
Red Snapper	20" TL	√	√			√
[1]Based on TAC of 718,000 lbs gutted weight (847,000 lbs whole weight). [2]Preferred alternatives in Snapper Grouper Amendment 16.						

Table 2-6. Current recreational regulations for shallow water and mid-shelf species.

RECREATIONAL REGULATIONS						
Species	Allowable Catch	Size Limit	Gear Restrictions	Possession Limit	Seasonal Closures	Area Closures
Black Grouper		24" TL	√	No more than 1 black grouper and/or gag individually or in combination (included in 3 grouper per person per day)[1,2]	Jan-Apr[1]	√
Black Sea Bass	409,000 lbs gw[3]	12" TL	√	Daily bag limit = 15		√
Gag		24" TL	√	No more than 1 black grouper and/or gag individually or in combination (included in 3 grouper per person)[1,2]	Jan-Apr[1]	√
Red Grouper		20" TL	√	Included in 3 grouper per person per day[1,2]	Jan-Apr[1]	√
Vermilion Snapper		12" TL	√	5 (in addition to the aggregate snapper bag limit of 5) [1,2]	Nov-Mar[1]	√
Red Snapper		20" TL	√	2 per person per day (included in the 10 aggregate snapper per person limit)[1,2]		√
[1]Preferred alternatives in Snapper Grouper Amendment 16						

[2]Exclude the captain and crew on for-hire vessels from possessing a bag limit for groupers.
[3]Based on TAC of 718,000 lbs gutted weight (847,000 lbs whole weight).

2.4.1 Comparison of Alternatives

Designating the current quotas and seasonal closures implemented through Snapper Grouper Amendments 13C, 15A, and 16 as ACLs and AMs would fulfill the ACL requirements of the reauthorized Magnuson-Stevens Act for black sea bass, gag, and vermilion snapper. These measures would not incur additional negative socioeconomic impacts beyond the status quo since they have already been implemented or will soon be. A broader discussion of the combined impacts of these recent snapper grouper amendments can be found in the cumulative impacts section of this document, **Section 4.10**.

Alternative 2a would establish ACLs equivalent to commercial and recreational catch levels of black grouper and red grouper resulting from management measures under Amendment 16. Amendment 16 reduced the catch of black grouper and red grouper through a January-April commercial and recreational spawning season closure, a reduction in the recreational bag limit, and a closure of the commercial fishery for black grouper and red grouper when the gag quota is met. Therefore, the resultant catch levels of black grouper and red grouper, after these measures are implemented, would be designated as the respective ACLs. The AMs for the commercial sector would be a closure when the gag quota is met, as outlined in Amendment 16. The recreational AM would apply to black grouper, black sea bass, gag, red grouper, and vermilion snapper. It would compare recreational ACL with recreational landings over a range of years. For 2010, only 2010 landings would be used. For 2011, the average landings of 2010 and 2011 would be sued, and for 2012 and beyond, a three-year running average of the recreational landings would be used.

Alternatives 1 (Status Quo) and **2** would both yield the same biological benefits; however, **Alternative 1 (Status Quo)** would not comply with reauthorized Magnuson-Stevens Act ACL requirements for the recreational sector. Socioeconomic impacts of these alternatives are detailed in Amendment 16, which is hereby incorporated by reference. **Alternative 2b (Preferred)** would establish one single ACL for gag, black grouper, and red grouper based on catch levels expected under Amendment 16. Under **Alternative 2b (Preferred)** biological benefits would likely be similar to those under **Alternative 2a.**

Alternative 3 would establish ACTs for the recreational sector. Each of the sub-alternatives differ in their degree of conservativeness. **Alternative 3a** is the least conservative of the action alternatives and would set the recreational sector ACT for gag, black grouper, red grouper, black sea bass, and vermilion snapper equal to 85 percent the ACL. A greater biological benefit would be attained through **Alternative 3b**, which would set the ACT to 70 percent of ACL. **Alternative 3c** attempts to capture the difference in uncertainty associated with black sea bass, gag, black grouper, red grouper, and vermilion snapper by incorporating the PSE in the estimate of ACT. Therefore, the ACT for species such as vermilion snapper and black sea bass would be higher than the ACT for species such as black grouper with higher estimates of PSE, which are less frequently encountered.

Alternative 4 (Preferred) would use a range of landings to determine overages of ACLs. In the first year (2010), only 2010 recreational landings would be used. In the second year (2011), the average landings of 2010 and 2011 would be used to determine if an overage had occurred. For 2012 and beyond, a three-year running average would be employed to determine if there was an overage of the ACL. Recreational landings data can be highly variable, particularly for species that are infrequently encountered. Therefore, using average landings for comparison with the ACL can buffer peaks in the recreational landings that may be a function of sampling rather than a true estimation of actual harvest.

Alternatives 5a, **5b (preferred),** and **5c** are similar in that they each establish a mechanism by which the Regional Administrator can compensate for exceeding the ACL by reducing harvest during the following year. Under **Alternative 5a**, if the ACL was exceeded, the Regional Administrator would reduce the length of the following fishing year by the amount necessary to ensure landings did not exceed the sector ACT for the following fishing year. Under **Alternative 5b (Preferred)**, if a species is overfished and the sector ACL is projected to be met, harvest and retention of species or species group would be prohibited. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the sector ACL in the following year by the amount of the overage, regardless of stock status. Under **Alternative 5c**, exceeding the ACT for an overfished species, rather than the ACL, would trigger the need for the Regional Administrator to publish a notice to reduce the ACT the following year by the amount of the overage.

Alternative 1 (Status Quo) is not a viable long-term alternative because it would not fully satisfy the requirements of the reauthorized Magnuson-Stevens Act. Its selection would require additional subsequent management action, with duplicative administrative costs. Not all of the remaining alternatives under this action deal with the same management component and, therefore, are not directly comparable. Instead, only sub-sets of alternatives are comparable. **Alternative 2a** would allow current harvests, not be expected to require any additional management measures, and not be expected to result in any adverse social effects. **Alternative 2b (Preferred)** would establish an aggregate ACL for gag, red grouper, and black grouper in addition to single species ACLs and an AM based on single species or aggregate species harvest thresholds. As a result of this aggregate approach, social benefits may increase or decrease, depending on resultant fishery performance and behavior, as gag harvests could result in closure of the fisheries for all three species (diminished social benefits), or increased harvest of the other species could substitute for decreased gag harvests (increased social benefits). The gag resource, and associated social and economic benefits, however, would be expected to be better safeguarded by **Alternative 2b (Preferred)** than under **Alternative 2a**. **Alternative 3** would only establish ACT benchmarks, with no associated necessary management change, and would not be expected to result in any change in social benefits. Because the multi-year perspective of **Alternative 4 (Preferred)** would be capable of addressing the potential variability of recreational harvest estimates, it would be expected to result in increased social benefits relative to single-year assessment and management action. Both **Alternative 5a** and **Alternative 5b (Preferred)** contain sufficient uncertainty of net social effects that ranking is not possible. Neither contains payback provisions for recreational harvest overages, so both could lead to subsequent deterioration of the resources and subsequent management action, though **Alternative 5b (Preferred)** would impose a shorter timeframe of action and, as a result, reduce

the potential magnitude of any overage. However, **Alternative 5b (Preferred)** would also base management action on projected harvests rather than actual (final data) and, as a result, may result in unnecessary corrective action, with associated unjustified adverse social effects. Both alternatives would delay corrective action until the subsequent fishing year, which should allow greater flexibility for fishermen and associated businesses to plan activities, resulting in greater social and economic benefits that same-year correction. **Alternative 5c** would be expected to result in social effects similar to **Alternative 5b (Preferred)**. However, because the ACT for a stock will generally be less than the ACL for that stock, using the ACT as the AM-trigger threshold under **Alternative 5c** increases protection of the resource while also increasing the likelihood of reduced social and economic benefits relative to **Alternative 5b (Preferred)** if stock and/or fishery conditions do not warrant the additional stock protection the more conservative ACT limit affords.

2.4.2 Council Conclusion

2.5 Update the framework procedure for specification of TAC for the Snapper Grouper FMP to incorporate ACLs and ACTs and AMs.

Update the framework procedure for specification of TAC

The FMPs framework procedure for setting TAC provides a mechanism for making changes to allowable catch levels and related management of stocks or stock complexes in a timely manner when stock assessments or new assessment information indicates that changes are needed. Changes that can be made through a Regulatory Amendment (also known as a Framework Action) include biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC quotas, trip limits, bag limits, minimum sizes, gear restrictions, seasonal or area closures, definitions of essential fish habitat, EFH, EFH-HAPCs or Coral HAPCs, and restrictions on gear and fishing activities applicable in EFH and EFH-HAPCs. Under the reauthorized Magnuson-Stevens Act and the amended guidelines for National Standard 1 (74 FR 3178), it is also necessary to be able to adjust ACLs and ACTs. This action revises the current FMPs Framework Procedure to allow such adjustments under the framework.

The Council is proposing the establishment of ACLs and ACTs, where needed. Currently, the framework procedures (below) specify that if changes are needed to the TAC, a Council appointed Assessment Group (Group) will advise the Regional Administrator in writing of their recommendations accompanied by the Group's report (where appropriate), relevant background material, draft regulations, Regulatory Impact Review and public comments. The Council is considering updating the procedures for specification of TAC in order to incorporate the ACL and ACT vernacular. With this revision, the specification of TAC section of the framework procedure would be renamed to reflect the 2009 National Standard 1guidelines, which define ACL is the primary unit set through management to control harvest levels. As used in the framework procedure, ACL is analogous to the term TAC, and to eliminate redundancy, TAC is no longer used.

Alternative 1 (Status Quo). Do not include the ability to modify ACLs, ACTs, and AMs in the existing framework procedure.

Current Framework procedure:

I. Establish an assessment group and annual adjustments:

1. The Council will appoint an assessment group (Group) that will assess the condition of selected snapper grouper species in the management unit (including periodic economic and sociological assessments as needed) on an annually planned basis. The Group will present a report of its assessment and recommendations to the Council.

2. The Council will consider the report and recommendations of the Group and hold public hearings at a time and place of the Council's choosing to discuss the Group's report. The Council may convene the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If changes are needed in the maximum sustainable yield (MSY), total allowable catch (TAC), quotas, trip limits, bag limits, minimum sizes, gear restrictions, season/area closures (including spawning closures), timeframe for recovery of overfished species or fishing year, the Council will advise the Regional Director in writing of their recommendations accompanied by the Group's report (where appropriate), relevant background material, draft regulations, Regulatory Impact Review and public comments. For wreckfish and any other species under limited access, this report will be submitted each year at least 60 days prior to the start of the fishing season (currently April 16). Biomass levels and age structured analyses are to be added as they become available.

4. The Regional Director will review the Council's recommendations, supporting rationale, public comments and other relevant information. If the Regional Director concurs that the Council's recommendations are consistent with the goals and objectives of the fishery management plan, the national standards and other applicable law, the Regional Director will recommend that the Secretary publish proposed and final rules in the Federal Register of any changes for species managed under limited access prior to the fishing year, and for all other species and/or changes on such dates as may be agreed upon with the Council.

5. Should the Regional Director reject the recommendations, he will provide written reasons to the Council for the rejection, and existing regulations will remain in effect until the issue is resolved.

6. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

a. Initial specification of MSY and subsequent adjustment of the best estimate of MSY where this information is available for a particular species.

b. Initial specification of acceptable biological catch (ABC) and subsequent adjustment of the ABC range and/or best estimate when and where this information is available for a particular species.

c. Setting TAC for a particular species. A TAC for wreckfish may not exceed 8 million pounds.

d. Modifying (or implementing for a particular species) TAC, quotas (including

zero quotas), trip limits, bag limits (including zero bag limits), minimum sizes, gear restrictions (ranging from modifying current regulations to a complete prohibition) and season/area closures (including spawning closures).

e. The fishing year and spawning closure for wreckfish may not be adjusted by more than one month.

f. Authority is granted to the Regional Director to close any fishery, i.e. revert any bag limit to zero and close any commercial fishery, once a quota has been established through the procedure described above and such quota has been filled. When such action is necessary, the Regional Director will recommend that the Secretary publish a notice in the Federal Register as soon as possible.

g. Modifying (or implementing for a particular species) a timeframe for recovery of an overfished species.

h. Initial specification and subsequent adjustment of biomass levels and age structured analyses.

Alternative 2. (Preferred) Update the framework procedure for specification of Total Allowable Catch (TAC) for the Snapper Grouper FMP to incorporate ACLs, ACTs, and, AMs. Such modifications would be based upon new scientific information indicating such modifications are prudent.

Table 2-7 Proposed framework modifications

Items retained from current framework	**Items removed from current framework**	**Items added to current framework**
Adjustments to or establishment of MSY	The use of the term total allowable catch (TAC) which is replaced with ACL	The use of the term ACL in place of TAC
Adjustments to ABC	Provision that would not allow fishing year or spawning season closure to be adjusted by more than one month for wreckfish.	Use of SEDAR reports or other documentation the Council deems appropriate to provide biological analyses
Adjustments to or implementation of quotas including closing any commercial fishery when the quota is filled	References to the Council-appointed "assessment group"	The SSC prepares a written report to the Council specifying OFL and a range of ABCs for species in need of catch reductions to achieve OY.
Adjustments to or implementation of trip limits	References to the assessment group report.	The SEDAR report or SSC will recommend rebuilding periods
Adjustments to or implementation of bag limits including zero bag limits		Adjustment to ACLs and/or sector ACLs
Adjustments to or implementation of minimum sizes		Adjustment to or implementation of ACTs
Adjustments to or implementation of gear restrictions		Adjustments to or implementation of AMs
Adjustments to or implementation of seasonal/area closures		
Adjustment to or implementation of timeframes for recovery of an overfished species.		Ability to move a species from one species complex (or species group) to another if new scientific information indicates the change is needed
Initial specification and subsequent adjustments of biomass levels and		

age structured analysis.		
Inclusion of public input in the framework adjustment process		Ability to change the status of a species from an ecosystem component species to regularly managed species within the FMU and vice versa if new data indicates such a change is warranted
SSC's role in providing the Council advise and recommendations for framework adjustments		

Proposed Language for Updated Framework Procedure

I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:

Procedure for Specification of ACL:

1. At times determined by the SEDAR Steering Committee, and in consultation with the Council, NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) access to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to F_{MSY} (MFMT) and F_{OY}; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of B_{MSY}.

2. The Council will consider SEDAR stock assessments, or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The SSC will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL: is the annual harvest level corresponding to fishing at MFMT (F_{MSY}). The ABC range is intended to provide guidance to the SSC, and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper populations levels at or above F_{MSY} at B_{MSY} within the rebuilding periods specified by the Council and approved by NMFS. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the

National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council at a B_{MSY} level and a MSST from B_{MSY}. The report may also recommend more appropriate estimates of F_{MSY} for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the report will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will set ABC at or below the OFL, taking in account scientific uncertainty. If the SSC set ABC equal to OFL, the SSC will provide its rational why it believes that level of overfishing will not exceed MFMT.

4. The Council may conduct a public hearing on the reports and the SSC's ABC specification at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

5. The Council in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:

> **a.** Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.
>
> **b.** May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council, and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.

c. Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock, and adjust or establish AMs for that stock as well.

6. The Council will provide the SSC specification of OFL, SSC specification of ABC, and its recommendations to the NMFS Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of B_{MSY} and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

7. The Regional Administrator will review the Council's recommendations and supporting information; and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.

8. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:

a. ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.

b. ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs to stocks which do not have an ACT.

c. AMs, or sector AMs.

d. Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.

e. The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks and MFMT.

f. New levels or statements of MSY (or proxy) and OY for any stock.

9. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.

a. Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector form exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.

b. Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.

c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

The Comprehensive ACL Amendment IPT recommended the following be added to the framework modification action.

d. Change a species status as an ecosystem component species when new scientific information indicates a change in status is appropriate.

e. Move one or more species from one species group or stock complex to another if new scientific information indicates different species group is more appropriate.

10. If NMFS decides not to publish the proposed rule of the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

* Note: The EFH portion of the current framework procedure would remain unchanged under this action.

II. Establish a procedure to allow for rapid modification to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern.

This adjustment procedure will allow the Council to add or modify measures through a streamlined public review process. As such, measures that have been identified could be implemented or adjusted at any time during the year. The process is as follows:

1. The Council will call upon the Habitat and Environmental Protection Advisory Panel (Panel) for EFH-related actions and the Coral Advisory Panel for Coral-HAPC related actions.

The Habitat and/or Coral Advisory Panel(s) will present a report of their assessment and recommendations to the Council.

2. The Council may take framework action one or more times during a year based on need. Such action(s) may come from the Panel report or the Council may take action based on issues/problems/information that surface separate from the Panel. The steps are as follows:

A. Habitat or Coral Advisory Panel Report - The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council's choosing to discuss the Panel's report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the Panel's report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

B. Information separate from Panel Report - The Council will consider information that surfaces separate from the Panel. Council staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council. A public hearing will be held at the time and place where the Council considers the Council staff report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If the Council determines that an addition or adjustment (e.g., in a species or species complex definition of EFH or EFH-HAPCs or a new EFH-HAPC is proposed for a species or species complex) to EFH, EFH-HAPCs, or Coral-HAPCs is necessary to meet the goals and objectives of the Habitat Plan, it will recommend, develop, and analyze appropriate action over the span of at least two Council meetings. The Council will provide the public with:

A. Advance notice of the availability of the recommendation.

B. The appropriate justifications, and biological, economic, and social analyses.

C. An opportunity to comment on the proposed adjustments prior to and at the second Council meeting.

4. After developing management actions and receiving public testimony, the Council will then submit the recommendation to the Regional Administrator. The Council's recommendation to the Regional Administrator must include supporting rationale, an analysis of impacts, and a recommendation to the Regional Administrator on whether to publish the management measure(s) as a final rule.

5. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the following factors and provide support and analysis for each factor considered:

A. Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule.

B. Whether regulations have to be in place for an entire harvest/fishing season.

C. Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures.

D. Whether there is an immediate need to protect the resource.

E. Whether there will be a continuing evaluation of management measures adopted following their promulgation as a final rule.

6. If, after reviewing the Council's recommendation and supporting information based on the FMP and the administrative record:

A. The Regional Administrator concurs with the Council's recommended management measures and determines that the recommended management measures may be published as a final rule then the action will be published in the Federal Register as a final rule; or

B. The Regional Administrator concurs with the Council's recommendation and determines that the recommended measures should be published first as a proposed rule, the action will be published as a proposed rule in the Federal Register. After additional public comment, if the Regional Administrator concurs with the Council recommendation, the action will be published as a final rule in the Federal Register; or

C. The Regional Administrator does not concur, the Council will be notified, in writing, of the reason for non-concurrence and recommendations to address those concerns.

7. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

A. Definition of or modification of a current definition of Essential Fish Habitat for a managed species or species complex.

B. Establishment of or modification of EFH-HAPCs for managed species or species complex.

C. Establishment of or modifications of Coral-HAPCs.

D. Description, identification, and regulations of fishing activities to protect EFH and EFH-HAPCs.

E. Management measures to reduce or eliminate the adverse effects of fishing activities or fishing gear on EFH or EFH-HAPCs.

F. Regulations of EFH-HAPCs.

2.5.1 Comparison of Alternatives

Alternative 1 (Status Quo) would not modify the current framework procedures to include adjustments to ACLs, ACTs, and AMs. This would maintain the Regional Administrator's current ability to adjust TAC, quotas, trip limits, bag limits, size limits, seasonal closures, and area closures; however, there would exist no means of making needed adjustments to the NS1 harvest parameters in a timely manner. Under **Alternative 2 (Preferred),** adjustments to ACLs, ACTs, and AMs could be made with relative ease as new fishery and stock abundance information becomes available. **Alternative 2 (Preferred)** would likely be biologically beneficial for any species to which an ACL, ACT, and/or AM is assigned. By changing the current framework procedures to allow for periodic adjustments to NS 1 harvest parameters, management measures could be altered in a timely manner to implement harvest level changes or AMs in response to stock assessment or survey results.

Alternative 1 (Status Quo) would not modify the framework procedure for setting TAC and would not support more efficient and effective management of the fishery. **Alternative 2**

(Preferred) would increase the types of management measures that could be modified under the framework. This would be expected to increase the efficiency and effectiveness of management change, potentially allowing less severe corrective action when necessary, or the quicker receipt of social and economic benefits associated with less restrictive management. In the long term, positive social and economic effects, relative to the status quo, would be expected from more timely management adjustments.

2.5.2 Council Conclusion

Affected Environment

3.1 Habitat

3.1.1 Inshore/Estuarine Habitat

Many deepwater snapper grouper species utilize both pelagic and benthic habitats during several stages of their life histories; larval stages of these species live in the water column and feed on plankton. Most juveniles and adults are demersal and associate with hard structures on the continental shelf that have moderate to high relief (e.g., coral reef systems and artificial reef structures, rocky hard-bottom substrates, ledges and caves, sloping soft-bottom areas, and limestone outcroppings). Juvenile stages of some snapper grouper species also utilize inshore seagrass beds, mangrove estuaries, lagoons, oyster reefs, and embayment systems. In many species, various combinations of these habitats may be utilized during diurnal feeding migrations or seasonal shifts in cross-shelf distributions. More detail on these habitat types is found in **Sections 3.2.1** and **3.2.2** of the Council's Habitat Plan (SAFMC 1998e).

3.1.2 Offshore Habitat

Predominant snapper grouper offshore fishing areas are located in live-bottom and shelf-edge habitats, where water temperatures range from 11° to 27° C (52^{o} to 81^{o} F) due to the proximity of the Gulf Stream, with lower shelf habitat temperatures varying from 11° to 14° C (52^{o} to 57^{o} F). Water depths range from 16 to 27 meters (54 to 90 feet) or greater for live-bottom habitats, 55 to 110 meters (180 to 360 feet) for the shelf-edge habitat, and from 110 to 183 meters (360 to 600 feet) for lower-shelf habitat areas.

The exact extent and distribution of productive snapper grouper habitat on the continental shelf north of Cape Canaveral is unknown. Current data suggest from 3 to 30 percent of the shelf is suitable habitat for these species. These live-bottom habitats may include low relief areas, supporting sparse to moderate growth of sessile invertebrates, moderate relief reefs from 0.5 to 2 meters (1.6 to 6.6 feet), or high relief ridges at or near the shelf break consisting of outcrops of rock that are heavily encrusted with sessile invertebrates such as sponges and sea fan species. Live-bottom habitat is scattered irregularly over most of the shelf north of Cape Canaveral, Florida, but is most abundant offshore from northeastern Florida. South of Cape Canaveral, the continental shelf narrows from 56 to 16 kilometers (35 to 10 miles) wide, thence reducing off the southeast coast of Florida and the Florida Keys. The lack of a large shelf area, presence of extensive, rugged living fossil coral reefs, and dominance of a tropical Caribbean fauna are distinctive benthic characteristics of this area.

Rock outcroppings occur throughout the continental shelf from Cape Hatteras, North Carolina to Key West, Florida (MacIntyre and Milliman 1970; Miller and Richards 1979; Parker *et al*. 1983), which are principally composed of limestone and carbonate sandstone (Newton *et al*. 1971), and exhibit vertical relief ranging from less than 0.5 to over 10 meters (33 feet). Ledge systems formed by rock outcrops and piles of irregularly sized boulders are also common. Parker *et al*. (1983) estimated that 24% (9,443 km^{2}) of the area between the 27 and 101 meters

(89 and 331 feet) isobaths from Cape Hatteras, NC to Cape Canaveral, FL is reef habitat. Although the benthic communities found in water depths between 100 and 300 meters (328 and 984 feet) from Cape Hatteras, NC to Key West, FL is relatively small compared to the whole shelf, this area, based upon landing information of fishers, constitutes prime reef fish habitat and probably significantly contributes to the total amount of reef habitat in this region.

Man-made artificial reef structures are also utilized to attract fish and increase fish harvests; however, research on man-made reefs is limited and opinions differ as to whether or not these structures promote an increase of ecological biomass or merely concentrate fishes by attracting them from nearby, natural unvegetated areas of little or no relief.

The distribution of coral and live hard-bottom habitat as presented in the SEAMAP Bottom Mapping Project is a proxy for the distribution of the species within the snapper grouper complex. The method used to determine hard bottom habitat relied on the identification of reef obligate species including members of the snapper grouper complex. The Florida Fish and Wildlife Research Institute (FWRI), using the best available information on the distribution of hard bottom habitat in the south Atlantic region, prepared ArcView maps for the four-state project. These maps, which consolidate known distribution of coral, hard/live bottom, and artificial reefs as hard bottom, are included in Appendix E of the Habitat Plan (SAFMC 1998e). These maps are also available on the Internet at the Council's following Internet Mapping System website: http://ocean.floridamarine.org/efh_coral/ims/viewer.htm.

The South Carolina Department of Natural Resources, NOAA/Biogeographic Characterization Branch, and the South Atlantic Fishery Management Council cooperatively generated additional information on managed species' use of offshore fish habitat. Plots of the spatial distribution of offshore species were generated from the Marine Resources Monitoring, Assessment, and Prediction Program (MARMAP) data (Figures 35-41) in the Habitat Plan (SAFMC 1998e). The plots should be considered as point confirmation of the presence of each species within the scope of the sampling program. These plots, in combination with the hard bottom habitat distributions presented in Appendix E of the Habitat Plan (SAFMC 1998e), can be employed as proxies for offshore snapper grouper complex distributions in the south Atlantic region. Maps of the distribution of snapper grouper species by gear type based on MARMAP data can be generated through the Council's Internet Mapping System at the following web address: http://ocean.floridamarine.org/efh_coral/ims/viewer.htm.

3.1.3 Essential Fish Habitat

Essential fish habitat (EFH) is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity" (16 U.S. C. 1802(10)). Specific categories of EFH identified in the South Atlantic Bight, which are utilized by federally managed fish and invertebrate species, include both estuarine/inshore and marine/offshore areas. Specifically, estuarine/inshore EFH includes: Estuarine emergent and mangrove wetlands, submerged aquatic vegetation, oyster reefs and shell banks, intertidal flats, palustrine emergent and forested systems, aquatic beds, and estuarine water column. Additionally, marine/offshore EFH includes: Live/hard bottom habitats, coral and coral reefs, artificial and manmade reefs, *Sargassum* species, and marine water column.

EFH utilized by snapper grouper species in this region includes coral reefs, live/hard bottom, submerged aquatic vegetation, artificial reefs and medium to high profile outcroppings on and around the shelf break zone from shore to at least 183 meters [600 feet (but to at least 2,000 feet for wreckfish)] where the annual water temperature range is sufficiently warm to maintain adult populations of members of this largely tropical fish complex. EFH includes the spawning area in the water column above the adult habitat and the additional pelagic environment, including *Sargassum*, required for survival of larvae and growth up to and including settlement. In addition, the Gulf Stream is also EFH because it provides a mechanism to disperse snapper grouper larvae.

For specific life stages of estuarine dependent and near shore snapper grouper species, EFH includes areas inshore of the 30 meters (100-foot) contour, such as attached microalgae; submerged rooted vascular plants (seagrasses); estuarine emergent vegetated wetlands (saltmarshes, brackish marsh); tidal creeks; estuarine scrub/shrub (mangrove fringe); oyster reefs and shell banks; unconsolidated bottom (soft sediments); artificial reefs; and coral reefs and live/hard bottom habitats.

3.1.4 Habitat Areas of Particular Concern

Areas which meet the criteria for essential fish habitat-habitat areas of particular concern (EFH-HAPCs) for species in the snapper grouper management unit include medium to high profile offshore hard bottoms where spawning normally occurs; localities of known or likely periodic spawning aggregations; near shore hard bottom areas; The Point, The Ten Fathom Ledge, and Big Rock (North Carolina); The Charleston Bump (South Carolina); mangrove habitat; seagrass habitat; oyster/shell habitat; all coastal inlets; all state-designated nursery habitats of particular importance to snapper grouper (e.g., Primary and Secondary Nursery Areas designated in North Carolina); pelagic and benthic *Sargassum*; Hoyt Hills for wreckfish; the *Oculina* Bank Habitat Area of Particular Concern; all hermatypic coral habitats and reefs; Manganese outcroppings on the Blake Plateau; and Council-designated Artificial Reef Special Management Zones (SMZs). Areas that meet the criteria for designating essential fish habitat-habitat areas of particular concern include habitats required during each life stage (including egg, larval, postlarval, juvenile, and adult stages).

In addition to protecting habitat from fishing related degradation though FMP regulations, the Council, in cooperation with NOAA Fisheries, actively comments on non-fishing projects or policies that may impact essential fish habitat. The Council adopted a habitat policy and procedure document that established a four-state Habitat Advisory Panel and adopted a comment and policy development process. With guidance from the Advisory Panel, the Council has developed and approved habitat policies on: Energy exploration, development, transportation and hydropower re-licensing; beach dredging and filling and large-scale coastal engineering; protection and enhancement of submerged aquatic vegetation; and alterations to riverine, estuarine and nearshore flows (Appendix C of Habitat Plan; SAFMC 1998e).

3.2 Biological/Ecological Environment

3.2.1 Species Most Impacted By This FMP Amendment

3.2.1.1 Gag, Mycteroperca microlepis

Gag occur in the Western Atlantic from North Carolina to the Yucatan Peninsula, and throughout the Gulf of Mexico. Juveniles are sometimes observed as far north as Massachusetts (Heemstra and Randall 1993). Gag commonly occur at depths of 39-152 m (131-498 ft) (Heemstra and Randall 1993) and prefer inshore-reef and shelf-break habitats (Hood and Schlieder 1992). Bullock and Smith (1991) indicated gag probably do not move seasonally between reefs in the Gulf of Mexico, but show a gradual shift toward deeper water with age. McGovern *et al.* (2005) reported extensive movement of gag along the Southeast United States. In a tagging study, 23% of the 435 recaptured gag moved distances greater that 185 km (100 nautical miles). Most of these individuals were tagged off South Carolina and were recaptured off Georgia, Florida, and in the Gulf of Mexico (McGovern *et al.* 2005).

Gag are probably estuarine dependent (Keener *et al.* 1988; Ross and Moser 1995; Koenig and Coleman 1998; Strelcheck *et al.* 2003). Juveniles (age 0) occur in shallow grass beds along Florida's east coast during the late spring and summer (Bullock and Smith 1991). Sea grass is also an important nursery habitat for juvenile gag in North Carolina (Ross and Moser 1995). Post-larval gag enter South Carolina estuaries when they are 13 mm (0.5 inches) TL and 40 days old during April and May each year (Keener *et al.* 1988), and utilize oyster shell rubble as nursery habitat. Juveniles remain in estuarine waters throughout the summer and move offshore as water temperatures cool during September and October. Adults are often seen in shallow water 5-15 m (16-49 ft) above the reef (Bullock and Smith 1991) and as far as 40-70 km (22-38 nautical miles) offshore.

Huntsman *et al.* (1999) indicated gag are vulnerable to overfishing since they are long-lived, late to mature, change sex, and aggregate to spawn. The estimated natural mortality rate is 0.14 (SEDAR 10 2007). Maximum reported size for gag is 145 cm (57.5 inches) TL and 36.5 kg (81 pounds) (Heemstra and Randall 1993), and maximum reported age is 26 years (Harris and Collins 2000). Gag is a sequential hermaphrodite, changing sex from female to male with increased size and age (Coleman *et al.* 1996; McGovern *et al.* 1998; Coleman *et al.* 2000). All individuals less than 87.5 cm (34.7 inches) TL are females. At 105.0 cm (41.6 inches) TL, 50%

of fishes are males. Almost all gag are males at sizes greater than 120.0 cm (47.5 inches) TL (McGovern *et al.* 1998).

Along the southeastern United States (1994-1995), size at first maturity is 50.8 cm (20.2 inches) TL, and 50% of gag females are sexually mature at 62.2 cm (24.7 inches) (McGovern *et al.* 1998). According to Harris and Collins (2000), age-at-first-maturity is 2 years, and 50% of gag are mature at 3 years. For data collected during 1978-1982 off the southeastern United States, McGovern *et al.* (1998) reported the smallest mature females were 58.0 cm (22.9 inches) TL and 3 years old. Hood and Schlieder (1992) indicated most females reach sexual maturity at ages 5-7 in the Gulf of Mexico. Off the southeastern United States, gag spawn from December through May, with a peak in March and April (McGovern *et al.* 1998). Duration of planktonic larvae is about 42 days (Keener *et al.* 1988; Koenig and Coleman 1998; Lindeman *et al.* 2000). McGovern *et al.* (1998) reported the percentage of male gag landed by commercial fishermen decreased from 20% during 1979-1981 to 6% during 1995-1996. This coincided with a decrease in the mean length of fish landed. A similar decrease in the percentage of males was reported in the Gulf of Mexico (Hood and Schleider 1992; Coleman *et al.* 1996).

Adults are sometimes solitary, and can occur in groups of 5 to 50 individuals. They feed primarily on fishes, crabs, shrimp, and cephalopods (Heemstra and Randall 1993), and often forage in small groups far from the reef ledge (Bullock and Smith 1991). Juveniles feed primarily on crustaceans, and begin to consume fishes when they reach about 25 mm (1 inch) in length (Bullock and Smith 1991; Mullaney 1994).

3.2.1.2 Red grouper, *Epinephelus morio*

Red grouper is primarily a continental species, mostly found in broad shelf areas (Jory and Iversen 1989). Red grouper occur in the Western Atlantic, from North Carolina to southeastern Brazil, including the eastern Gulf of Mexico and Bermuda, but can occasionally be found as far north as Massachusetts (Heemstra and Randall 1993).
Red grouper is uncommon around coral reefs; it generally occurs over flat rock perforated with solution holes (Bullock and Smith 1991), and is commonly found in the caverns and crevices of limestone reef in the Gulf of Mexico (Moe 1969). It also occurs over rocky reef bottoms (Moe 1969).

Adult red grouper are sedentary fish that are usually found at depths of 5-300 m (16-984 ft). Fishermen off North Carolina commonly catch red grouper at depths of 27-76 m (88-249 ft) for an average of 34 m (111 ft). Fishermen off southeastern Florida also catch red grouper in depths ranging from 27-76 m (88-249 ft) with an average depth of 45 m (148 ft) (Burgos 2001; McGovern *et al.* 2002). Moe (1969) reported that juveniles live in shallow water nearshore reefs until they are 40.0 cm (16 inches) and 5 years of age, when they become sexually mature and move offshore. Spawning occurs during February-June, with a peak in April (Burgos 2001). In the eastern Gulf of Mexico, ripe females are found December through June, with a peak during April and May (Moe 1969). Based on the presence of ripe adults (Moe 1996) and larval red grouper (Johnson and Keener 1984) spawning probably occurs offshore. Coleman *et al*. (1996) found groups of spawning red grouper at depths between 21-110 m (70-360 feet). Red grouper do not appear to form spawning aggregations or spawn at specific sites (Coleman *et al.* 1996).

They are reported to spawn in depths of 30-90 m (98-295 ft) off the Southeast Atlantic coast (Burgos 2001; McGovern *et al.* 2002).

Red grouper are protogynous, changing sex from female to male with increased size and age. Off North Carolina, red grouper first become males at 50.9 cm (20.1 inches) TL and males dominate size classes greater than 70.0 cm (27.8 inches) TL. Most females transform to males between ages 7 and 14. Burgos (2001) reported that 50% of the females caught off North Carolina are undergoing sexual transition at age 8. Maximum age reported by Heemstra and Randall (1993) was 25 years. Burgos (2001) and McGovern *et al.* (2002) indicated red grouper live for at least 20 years in the Southeast Atlantic and a maximum age of 26 years has been reported for red grouper in the Gulf of Mexico (L. Lombardi, NMFS Panama City, personal communication). Natural mortality rate is estimated to be 0.20 (Potts and Brennan 2001). Maximum reported size is 125.0 cm (49.2 inches) TL (male) and 23.0 kg (51.1 pounds). For fish collected off North Carolina during the late 1990s, age at 50% maturity of females is 2.4 years and size at 50% maturity is 48.7 cm (19.3 inches) TL. Off southeastern Florida, age at 50% maturity was 2.1 years and size at 50% maturity was 52.9 cm (21.0 inches) TL (Burgos 2001; McGovern *et al.* 2002). These fish eat a wide variety of fishes, octopi, and crustaceans, including shrimp, lobsters, and stomatopods (Bullock and Smith 1991, Heemstra and Randall 1993).

3.2.1.3 Black grouper, *Mycteroperca bonaci*

The black grouper occurs in the Western Atlantic, from North Carolina to Florida, Bermuda, the Gulf of Mexico, West Indies, and from Central America to Southern Brazil (Crabtree and Bullock 1998). Adults are found over hard bottom such as coral reefs and rocky ledges. Black grouper occur at depths of 9 to 30 m (30 to 98 ft). Juveniles sometimes occur in estuarine seagrass and oyster rubble habitat in North Carolina and South Carolina (Keener *et al.* 1988; Ross and Moser 1995). In the Florida Keys, juveniles settle on patch reefs (Sluka *et al.* 1994). Commercial landings of black grouper exceed landings of any other grouper in the Florida Keys.

Natural mortality (M) is estimated to be 0.15 (Potts and Brennan 2001). Crabtree and Bullock (1998) found black grouper live for at least 33 years and attain sizes as great as 151.8 cm (60.1 inches) TL. Females range in length from 15.5 to 131.0 cm (6.1-51.9 inches) TL and males range in length from 94.7 to 151.8 cm (38.3-60.1 in) TL. Black grouper are protogynous. Approximately 50% of females are sexually mature by 82.6 cm (32.7 inches) TL and 5.2 years of age. At a length of 121.4 cm (48.1 inches) TL and an age of 15.5 years, approximately 50% of the females have become males. Black grouper probably spawn throughout the year, however, peak spawning of females occurs from January to March.

Off Belize, black grouper are believed to spawn in aggregations at the same sites used by Nassau grouper (Carter and Perrine 1994). Eklund *et al.* (2000) describe a black grouper spawning aggregation discovered during winter 1997-1998, less than 100 m outside a newly designated marine reserve. Adults feed primarily on fishes.

3.2.1.4 Speckled hind, *Epinephelus drummondhayi*

Speckled hind occur in the Western Atlantic Ocean from North Carolina and Bermuda to the Florida Keys, and in the northern and eastern Gulf of Mexico (Heemstra and Randall 1993, in Froese and Pauly 2003). The speckled hind is solitary and found in depths from 25 m (98 ft) (Heemstra and Randall 1993) to 400 m (1,312 ft) (Bullock and Smith 1991). Heemstra and Randall (1993) reported that it most commonly occurs at depths of 60-120 m (197-394 ft). Bullock and Smith (1991) indicated that most commercial catches are taken from depths of 50 m (164 ft) or more. Juveniles occur in shallower waters.

Maximum reported size is 110 cm (43.3 in) TL and 30 kg (66 lbs) Heemstra and Randall 1993, in Froese and Pauly 2003). The maximum size and age of individuals examined by Matheson and Huntsman (1984) in the South Atlantic Bight was 110 cm (43.3 in) and 15 years, respectively. Heemstra and Randall (1993) reported a maximum age of 25 years. Estimated size at maturity is 81.1 cm (32 in), and M is estimated at from 0.14 (Froese and Pauly 2003) to 0.15 (Potts *et al.* 1998a).

The speckled hind is thought to form spawning aggregations (G. Gilmore, Dynamac Corporation, personal communication). Spawning reportedly occurs from July to September (Heemstra and Randall 1993). Prey items include fishes, crustaceans, and squids (Bullock and Smith 1991; Heemstra and Randall 1993).

3.2.1.5 Warsaw grouper, *Epinephelus nigritus*

Warsaw grouper occur in the Western Atlantic from Massachusetts to southeastern Brazil (Robins and Ray 1986 in Froese and Pauly 2003), and in the Gulf of Mexico (Smith 1971). The Warsaw grouper is a solitary species (Heemstra and Randall 1993), usually found on rocky ledges and seamounts (Robins and Ray 1986), at depths from 55 to 525 m (180-1,722 ft) (Heemstra and Randall 1993). Juveniles are sometimes observed in inshore waters (Robins and Ray 1986), on jetties and shallow reefs (Heemstra and Randall 1993).

Maximum reported size is 230 cm (91 in) TL (Heemstra and Randall 1993) and 263 kg (580 lbs) (Robins and Ray 1986). The oldest specimen was 41 years old (Manooch and Mason 1987). M was estimated by the SEDAR group during November 2003 to range from 0.05 to 0.12 (SEDAR 4 2004). The warsaw grouper spawns during August, September, and October in the Gulf of Mexico (Peter Hood, NOAA Fisheries, personal communication), and during April and May off Cuba (Naranjo 1956). Adults feed on benthic invertebrates and on fishes (Heemstra and Randall 1993).

3.2.1.6 Snowy Grouper, *Epinephelus niveatus*

Snowy grouper occur in the Eastern Pacific and the Western Atlantic from Massachusetts to southeastern Brazil, including the northern Gulf of Mexico (Robins and Ray 1986). It is found at depths of 30-525 m (98-1,722 ft). Adults occur offshore over rocky bottom habitat. Juveniles are often observed inshore and occasionally in estuaries (Heemstra and Randall 1993).

The snowy grouper is a protogynous species. The smallest, youngest male examined by Wyanski *et al.* (2000) was 72.7 cm (28.8 in) TL and age 8. The median size and age of snowy grouper was 91.9 cm (34.5 in) and age 16. The largest specimen observed was 122 cm (48 in) TL and 30 kg (66 lbs), and 27 years old (Heemstra and Randall 1993). The maximum age reported by Wyanski *et al.* (2000) is 29 years for fish collected off of North Carolina and South Carolina. Radiocarbon techniques indicate that snow grouper may live for as long as 40 years (Harris, South Carolina Department of Natural Resources, personal communication). Wyanski *et al.* (2000) reported that 50% of the females are mature at 54.1 cm (21.3 in) TL and 5 years of age. The smallest mature female was 46.9 cm (18.5 in) TL, and the largest immature female was 57.5 cm (22.6 in) TL.

Females in spawning condition have been captured off western Florida during May, June, and August (Bullock and Smith 1991). In the Florida Keys, ripe individuals have been observed from April to July (Moore and Labinsky 1984). Spawning seasons reported by other researchers are as follows: South Atlantic (north of Cape Canaveral), April through September (Wyanski *et al.* 2000) and April through July (Parker and Mays 1998); and South Atlantic (south of Cape Canaveral), May through July (Manooch 1984). Wyanski *et al.* (2000) reported that snowy grouper spawn at depths from 176 to 232 m (577 to 761 ft) off South Carolina. Adults feed on fishes, gastropods, cephalopods, and crustaceans (Heemstra and Randall 1993).

3.2.1.7 Golden Tilefish, *Lopholatilus chamaeleonticeps*

Golden tilefish are distributed throughout the Western Atlantic, occurring as far north as Nova Scotia, to southern Florida, and in the eastern Gulf of Mexico (Robins and Ray 1986) (Table 3-1). According to Dooley (1978), golden tilefish occurs at depths of 80-540 meters (263-1,772 feet). Robins and Ray (1986) report a depth range of 82-275 meters (270-900 feet) for golden tilefish. It is most commonly found at about 200 meters (656 feet), usually over mud or sand bottom but, occasionally, over rough bottom (Dooley 1978). Tilefish north of the Virginia/North Carolina border are currently managed as part of the Fishery Management Plan for Tilefish managed by the Mid-Atlantic Fishery Management Council. Golden tilefish occurring south of the Virginia/North Carolina boarder are managed by the South Atlantic Fishery Management Council under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.

Maximum reported size is 125 centimeters (50") total length and 30 kilograms (66 lbs) (Dooley 1978; Robins and Ray 1986). Maximum reported age is 40 years (Harris *et al.* 2001). Radiocarbon aging indicate golden tilefish may live for at least 50 years (Harris, South Carolina Department of Natural Resources, personal communication). A recent SEDAR assessment estimate natural mortality (M) at 0.08 (SEDAR 4 2004). Golden tilefish spawn off the southeast coast of the U.S. from March through late July, with a peak in April (Table 3-1; Harris *et al.* 2001). Grimes *et al.* (1988) indicate peak spawning occurs from May through September in waters north of Cape Canaveral. Golden tilefish primarily prey upon shrimp and crabs, but also eat fishes, squid, bivalves, and holothurians (Dooley 1978).

3.2.1.8 Black Sea Bass, *Centropristis striata*

Black sea bass occur in the Western Atlantic, from Maine to southeastern Florida, and in the eastern Gulf of Mexico (McGovern *et al.* 2002) (Table 3-1). Separate populations were reported to exist to the north and south of Cape Hatteras, North Carolina (Wenner *et al.* 1986). However, genetic similarities suggest this is one stock (McGovern *et al.* 2002). This species is common around rock jetties and on rocky bottoms in shallow water (Robins and Ray 1986) at depths from 2-120 meters (7-394 feet). Most adults occur at depths from 20-60 meters (66-197 feet) (Vaughan *et al.* 1995). Black sea bass north of the Virginia/North Carolina border are currently managed as part of the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass and are managed by the Mid-Atlantic Fishery Management Council. Black sea bass occurring south of the Virginia/North Carolina boarder are managed by the South Atlantic Fishery Management Council under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.

Maximum reported size is 66.0 centimeters (26.1") total length and 3.6 kilograms (7.9 lbs) (McGovern *et al.* 2002). Maximum reported age is 10 years (McGovern *et al.* 2002); however, ages as great as 20 years have been recorded in the Mid Atlantic region (Lavenda 1949; Froese and Pauly 2003). Natural mortality is estimated to be 0.30 (SEDAR 2 2003b). The minimum size and age of maturity for females reported off the southeastern U.S. coast is 10.0 centimeters (3.6") standard length and age 0. All females are mature by 18.0 centimeters (7.1") standard length and age 3 (McGovern *et al.* 2002; Table 3-1). Wenner *et al.* (1986) report peak spawning occurs from March through May in the South Atlantic Bight. McGovern *et al.* (2002) indicate black sea bass females are in spawning condition during March-July, with a peak during March through May (McGovern *et al.* 2002). Some spawning also occurs during September and November. Spawning takes place in the evening. Black sea bass change sex from female to male (protogyny). Females dominate the first 5 year classes and individuals over the age of 5 are more commonly males. The size at maturity and the size at transition of black sea bass was smaller in the 1990s than during the early 1980s off the southeast U.S. Black sea bass appear to compensate for the loss of larger males by changing sex at smaller sizes and younger ages (McGovern *et al.* 2002).

The diet of black sea bass is generally composed of shrimp, crab, and fish (Sedberry 1988). Smaller black sea bass eat small crustaceans and larger individuals feed on decapods and fishes.

3.2.1.9 Vermilion Snapper, *Rhomboplites aurorubens*

Vermilion snapper occur in the Western Atlantic, from North Carolina to Rio de Janeiro. It is most abundant off the southeastern United States and in the Gulf of Campeche (Hood and Johnson 1999). The vermilion snapper is demersal, commonly found over rock, gravel, or sand bottoms near the edge of the continental and island shelves (Froese and Pauly 2003). It occurs at depths from 18 to 122 m (59 to 400 ft), but is most abundant at depths less than 76 m (250 ft). Individuals often form large schools. This fish is not believed to exhibit extensive long range or local movement (SEDAR SAR 2 2003).

The maximum size of a male vermilion snapper, reported by Allen (1985) in Froese and Pauly (2003), was 60.0 cm (23.8 in) TL and 3.2 kg (7.1 lbs). Maximum reported age in the South Atlantic Bight was 14 years (Zhao *et al.* 1997; Potts *et al.* 1998). SEDAR 2-SAR2 (2003) recommends that natural mortality (M) be defined as 0.25/yr, with a range of 0.2-0.3/yr.

This species spawns in aggregations (Lindeman *et al.* 2000) from April through late September in the southeastern United States (Cuellar *et al.* 1996). Zhao *et al.* (1997) indicated that most spawning in the South Atlantic Bight occurs from June through August. Eggs and larvae are pelagic.

Vermilion snapper are gonochorists meaning that all vermilion snapper are mature at 2 years of age and 20.0 cm (7.9 in) (SEDAR SAR2 2003). Cuellar *et al.* (1996) collected vermilion snapper off the southeastern United States and found that all were mature. The smallest female was 16.5 cm (6.5 in) FL and the smallest male was 17.9 cm (7.1 in) FL (Cuellar *et al.* 1996). Zhao and McGovern (1997) reported that 100% of males that were collected after 1982 along the southeastern United States were mature at 14.0 cm (5.6 in) TL and age 1. All females collected after 1988 were mature at 18.0 cm (7.1 in) TL and age 1.

This species preys on fishes, shrimp, crabs, polychaetes, and other benthic invertebrates, as well as cephalopods and planktonic organisms (Allen 1985). Sedberry and Cuellar (1993) reported that small crustaceans (especially copepods), sergestid decapods, barnacle larvae, stomatopods, and decapods dominated the diets of small (< 50 mm (2 in) SL) vermilion snapper off the Southeastern United States. Larger decapods, fishes, and cephalopods are more important in the diet of larger vermilion snapper.

3.2.1.10 Red Snapper, *Lutjanus campechanus*

The red snapper is found from North Carolina to the Florida Keys, and throughout the Gulf of Mexico to the Yucatan (Robins and Ray 1986). It can be found at depths from 10 to 190 m (33-623 ft). Adults usually occur over rocky bottoms. Juveniles inhabit shallow waters and are common over sandy or muddy bottom habitat (Allen 1985).

The maximum size reported for this species is 100 cm (39.7 in) TL (Allen 1985, Robins and Ray 1986) and 22.8 kg (50 lbs) (Allen 1985). Maximum reported age in the Gulf of Mexico is reported as 53 years by Goodyear (1995) and 57 years by Allman *et al.* (2002). For samples collected from North Carolina to eastern Florida, maximum reported age is 45 years (White and Palmer 2004). McInerny (2007) reports a maximum age of 54 years for red snapper in the South Atlantic. Natural mortality (M) is estimated to be 0.078 using the Hoenig (1983) method with a maximum age of 53 years (SEDAR 15 2008). Manooch *et al.* (1998) estimated M at 0.25 but the maximum age in their study was 25 years (Manooch and Potts 1997).

Red snapper are gonochorists, maintaining only one sex throughout their lifecycle. In the U.S. South Atlantic Bight and in the Gulf of Mexico, Grimes (1987) reported that size at first maturity is 23.7 cm (9.3 in) FL. For red snapper collected along the Southeastern United States, White

and Palmer (2004) found that the smallest mature male was 20.0 cm (7.9 in) TL, and the largest immature male was 37.8 cm (15 in) TL. 50% of males are mature at 22.3 cm (8.8 in) TL, while 50% of females are mature at 37.8 cm (15 in) TL. Males are present in 86% of age 1, 91% of age 2, 100% of age 3, 98% of age 4, and 100% of older age fish. Mature females are present in 0% of age 1, 53% of age 2, 92% of age 3, 96% of age 4, and 100% of older age individuals. Grimes (1987) found that the spawning season of this species varies with location, but in most cases occurs nearly year round. White and Palmer (2004) reported that the spawning season for female red snapper off the southeastern United States extends from May to October, peaking in July through September. Red snapper eat fishes, shrimps, crabs, worms, cephalopods, and some planktonic items (Szedlemayr and Lee 2004).

3.3 Science Underlying the Management of Snapper Grouper Species Most Impacted By This FMP Amendment

The status of gag, vermilion snapper, black sea bass, golden tilefish, snowy grouper has been recently assessed through the Southeast Data, Assessment, and Review (SEDAR) process. Black grouper, red grouper, speckled hind, and warsaw grouper have not been recently assessed.

The SEDAR process consists of a series of workshops aimed at ensuring that each assessment is based on the best available scientific information. First, representatives from NOAA Fisheries Service, state agencies, and the South Atlantic Council, as well as experts from non-governmental organizations and academia, participate in a data workshop. The purpose of a data workshop is to assemble and review available fishery-dependent and fishery-independent data and information on a stock, and to develop consensus about what constitutes the best available scientific information on the stock, how that information should be used in an assessment, and what type of stock assessment model should be employed.

Second, assessment biologists from these agencies and organizations participate in a stock assessment workshop, where data from the data workshop are input into one or more stock assessment models (e.g., production, age-structured, length structured, etc.) to generate estimates of stock status and fishery status. Generally, multiple runs of each model are conducted: base runs and a number of additional runs to examine sensitivity of results to various assumptions (e.g., different natural mortality rates, different data sets/catch periods, etc.).

Finally, a stock assessment review workshop is convened to provide representatives from the Center for Independent Experts the opportunity to peer review the results of the stock assessment workshop. Representatives from NOAA Fisheries Service, the South Atlantic Council, and constituent groups may attend and observe the review but the actual review is conducted by the Center for Independent Experts. The Council's Scientific and Statistical Committee (SSC) then reviews the report of the stock assessment review workshop.

The review portion of the SEDAR process has helped improve the acceptance of stock assessments. However, continued lack of basic fishery data has resulted in uncertainty in the assessment results. Each SEDAR Review Panel has identified significant shortcomings in data

and research (see **Section 4.10** for a detailed list of research and data needs). In addition, not all of the reviews have been completed with 100% consensus.

3.3.1 Gag assessment and stock status

SEDAR assessment

The stock of gag off the United States South Atlantic was assessed during a SEDAR assessment workshop, held at the Wyndham Grand Bay Hotel, Miami, Florida, on May 1–5, 2006. The workshop's objectives were to complete the SEDAR 10 benchmark assessment of gag and to conduct stock projections. Participants in the benchmark assessment included state, federal, and university scientists, as well as Council members and staff, and various observers. All decisions regarding stock assessment methods and acceptable data were made by consensus (SEDAR 10 2007).

Available data on the stock included abundance indices, recorded landings, and samples of annual size compositions and age compositions from fishery-dependent sources. Three fishery–dependent abundance indices were developed by the data workshop: one from the NOAA Fisheries Service headboat survey, one from the commercial logbook program, and one from the MRFSS survey. There were no usable fishery–independent abundance data for this stock of gag. Landings data were available from all recreational and commercial fisheries. The assessment included data through 2004.

A forward projecting statistical model of catch at age was used as the primary assessment model. In addition, an age-aggregated production model was used to investigate results under a different set of model assumptions. The assessment workshop developed two base runs: one assuming a time-varying catch ability and one assuming constant catch ability for the fishery dependent indices. Each base run of the catch-at-age model was used for estimation of benchmarks and stock status.

Stock projections were evaluated under five scenarios starting in 2008. Each scenario applied the current fishing mortality rate (F) in years 2005–2007. Starting in 2008, the five projection scenarios included: (1) current F, (2) F_{MSY}, (3) 85% of F_{MSY}, (4) 75% of F_{MSY}, and (5) 65% of F_{MSY}.

Status

The gag stock in the Atlantic is undergoing **overfishing** as of 2004 (last year of data in the stock assessment). This means fish are being removed more quickly than the stock can replace them such that the maximum sustainable yield (MSY) cannot be achieved. The Council compares the current fishing mortality rate (F) to the level of fishing mortality that would result in overfishing (maximum fishing mortality threshold or MFMT) and if the current F is greater than the MFMT, overfishing is occurring. For gag the most recent estimate of the fishing mortality rate (F) is from 2004 and is = 0.310. The Council is using the fishing mortality rate that would produce the maximum sustainable yield (F_{MSY} = 0.237) as the maximum fishing mortality threshold. Comparing these two numbers:

- F_{2004}/MFMT = 0.310/0.237 = 1.309

This comparison is referred to as the **overfishing ratio**. If the ratio is greater than 1, then overfishing is occurring.

The gag stock in the Atlantic was not **overfished** as of the start of 2005. This means that the spawning stock biomass (pounds of spawning fish in the water) has not been reduced below the level that could produce the maximum sustainable yield. The Council compares the current spawning stock biomass (SSB) to the level of spawning stock biomass that could be rebuilt to the level to produce the MSY in 10 years. This is referred to as the minimum spawning stock biomass or MSST. For gag, the estimated level of spawning stock biomass in 2005 was 7,470,000 pounds gutted weight (gw). The Minimum stock size threshold (MSST) = 6,816,000 pounds gw. Comparing these two numbers:

- SSB_{2005}/MSST = 7,470,000/6,816,000 = 1.096

This comparison is referred to as the **overfished ratio**. If the ratio is less than 1, then the stock is overfished.

3.3.2 Vermilion Snapper assessment and stock status

SEDAR assessment

A SEDAR stock assessment workshop was convened at the NOAA Center for Coastal Fisheries and Habitat Research Beaufort, North Carolina, on Monday, April 4, 2007. The workshop's objectives were to conduct an update assessment of the vermilion snapper off the southeastern U.S. and to conduct stock projections based on possible management scenarios. Participants in the update assessment included state and federal scientists, Council AP and SSC members, and various observers. All decisions regarding stock assessment methods and acceptable data were made by consensus (SEDAR Assessment Update #3 2007).

Available data on the species included all those utilized for the benchmark assessment conducted in 2002; no additional data sources were identified during the scoping workshop. These data were abundance indices, recorded landings, and samples of annual size compositions from indices and landings. Four abundance indices were used in the benchmark assessment: one from the NMFS headboat survey and three from the SC MARMAP fishery-independent monitoring program. Landings data were available from all recreational and commercial fisheries. While the MARMAP chevron trap index decreased in recent years, the remaining abundance indices showed neither marked increase nor decline during the assessment period (1976–2006).

The statistical model of catch at length as developed for the benchmark assessment was used as the only assessment model. The assessment workshop provided the base run of the model, identical to that used in the benchmark assessment. This base run was used for the estimation of benchmarks and stock status. The benchmark assessment concluded that the high degree of uncertainty in recruitment and spawning stock biomass estimates meant that reliable biomass based benchmarks could not be developed from the assessment, and this was found to be the case for the update assessment as well.

The ratio of fishing mortality in 2006 to F_{MAX} was 2.05, compared to 1.71 in the benchmark assessment, suggesting that overfishing continues. Projections were used to evaluate the potential of the stock to be rebuilt, but could only be conducted for constant F scenarios. Four projections were considered: $F=F_{MAX}$; $F=85\%F_{MAX}$; $F=75\%F_{MAX}$; and $F=65\%F_{MAX}$. The results of each were very similar.

Recognizing the need for a new benchmark assessment, NMFS and the state of South Carolina began sampling available vermilion snapper otoliths to enable an age-based assessment. Further, the SEDAR steering committee replaced white grunt in the SEDAR schedule with vermilion snapper. A new age based assessment for vermilion snapper was was completed in 2008 (SEDAR 17 2008). Three different model structures were applied: a statistical catch-at-age model, stock reduction analysis, and a surplus production model. In addition, catch curve analysis was used to examine mortality. The primary model was a statistical catch-at-age model implemented with the AD Model Builder software.

Stock Status

The vermilion snapper stock assessment updated indicated the stock in the Atlantic is undergoing **overfishing** as of 2006 (last year of data in the stock assessment update). This means fish are being removed more quickly than the stock can replace them such that the maximum sustainable yield (MSY) cannot be achieved. The Council compares the current fishing mortality rate (F) to the level of fishing mortality that would result in overfishing (maximum fishing mortality threshold or MFMT) and if the current F is greater than the MFMT, overfishing is occurring. For vermilion snapper the most recent estimate of the fishing mortality rate is from 2006 and was = 0.729. The Council is using the fishing mortality rate that produces the greatest yield per fish (F_{MAX} = 0.355) as the maximum fishing mortality threshold. F_{MAX} is being used as a proxy for F_{MSY} (F_{MSY} = Fishing mortality rate that would produce maximum sustainable yield) because the SSC did not have confidence in the calculated biomass reference points. The SSC does have confidence in the fishing mortality rate estimates from the SEDAR assessment. Comparing these two numbers:

- F_{2006}/MFMT = 0.729/0.355 = 2.05

This comparison is referred to as the **overfishing ratio**. If the ratio is greater than 1, then overfishing is occurring. The assessment could not make a determination on the overfished status.

SEDAR 17 (2008) confirmed that the stock is experiencing overfishing but indicated the stock is not overfished. The base run of the catch-at-age model estimated the current stock status to be: SSB_{2007}/SSB_{MSY} = 0.86 and SSB_{2007}/MSST = 1.10, both indicating the stock is not overfished. It estimated the current fishery status in 2007 to be: F_{2007}/F_{MSY} = 1.27, indicating the stock was subject to overfishing in 2007.

3.3.3 Black sea bass assessment and stock status

SEDAR assessment

Black sea bass was assessed at the second SEDAR (SEDAR 2 2003b). Data for the SEDAR assessment were assembled and reviewed at a data workshop held during the week of October 7, 2002 in Charleston, South Carolina. The assessment utilized commercial and recreational

landings, as well as abundance indices and life history information from fishery-independent and fishery-dependent sources. Six abundance indices were developed by the data workshop. Two CPUE indices were used from the NMFS headboat survey (1978-2001) and the MRFSS recreational survey (1992-1998). Four indices were derived from CPUE observed by the South Carolina MARMAP fishery-independent monitoring program ("Florida" trap index, 1981-1987; blackfish trap index, 1981-1987; hook and line index, 1981-1987; and chevron trap index, 1990-2001) (SEDAR 2 2003b).

Age-structured and age-aggregated production models were applied to available data at the assessment workshop. The age-structured model was considered the primary model, as recommended by participants in the data workshop. The stock assessment indicated black sea bass was overfished and overfishing was occurring.

At the request of the South Atlantic Council, the SEDAR panel convened to update the 2003 black sea bass stock assessment, using data through 2003, and to conduct stock projections based on possible management scenarios (SEDAR Update #1 2005). The update indicated the stock was still overfished and overfishing was still occurring but results showed the stock was much more productive that previously indicated. The stock could be rebuilt to the biomass level capable of producing the maximum sustainable yield in 5 years if all fishing mortality were eliminated; previously this was estimated to take 11 years (SEDAR 2 2003b).

Stock Status

The black sea bass stock in the Atlantic is undergoing **overfishing** and is **overfished** as of 2004 (last year of data in the stock assessment update). For black sea bass the most recent estimate of the fishing mortality rate is from 2003 and was = 2.64 and F_{MSY} = 0.429 as the maximum fishing mortality threshold. Comparing these two numbers:

- F_{2003}/MFMT = 0.729/0.355 = 6.15

This comparison is referred to as the **overfishing ratio**. If the ratio is greater than 1, then overfishing is occurring.

The black sea bass stock in the Atlantic is **overfished**. For black sea bass, the estimated level of spawning stock biomass in 2005 was 4,099,884 pounds whole weight. The Minimum stock size threshold (MSST) = 10,511,633 pounds whole weight. Comparing these two numbers:

- SSB_{2005}/MSST = 4,099,884/10,511,633 = 0.39

If the ratio is less than 1, then the stock is overfished.

3.3.4 Snowy grouper assessment and stock status

SEDAR assessment

The data workshop convened in Charleston, SC during the week of November 3, 2003 to examine data from eight deep-water species for assessment purposes (SEDAR 4 2004). The group determined that data were adequate to conduct assessments on snowy grouper and tilefish. Four indices were available for snowy grouper including a logbook index, headboat index, MARMAP trap index, and MARMAP short longline index. The assessment workshop chose not to use the logbook index for snowy grouper since this species forms aggregations and has been

known to be taken in large numbers over wrecks. Commercial and recreational landings as well as life history information from fishery-independent and fishery-dependent sources were used in the assessment.

Estimates were made of several time series of management interest. These include annual exploitation rate, fishing mortality rate, total landings, number of recruits, mature biomass, and total biomass. Results show a population beginning a decline as early as 1966, reaching its lowest levels in the most recent years. Increasing exploitation of snowy grouper begins at about the same time as the population decline, which coincides with an increase in the reported landings of snowy grouper.

Stock Status

The snowy grouper stock in the Atlantic is undergoing **overfishing** and is **overfished** as of 2004 (last year of data in the stock assessment). For snowy grouper the most recent estimate of the fishing mortality rate is from 2002 and was = 0.154 and F_{MSY} = 0.05 as the maximum fishing mortality threshold. Comparing these two numbers:

- F_{2002}/MFMT = 0.154/0.05 = 3.08

This comparison is referred to as the **overfishing ratio**. If the ratio is greater than 1, then overfishing is occurring.

The snowy grouper stock in the Atlantic is **overfished**. For snowy grouper, the estimated level of spawning stock biomass in 2003 was 869,503 pounds whole weight. The Minimum stock size threshold (MSST) = 3,498,735 pounds whole weight. Comparing these two numbers:

- SSB_{2003}/MSST = 869,503/3,498,735 = 0.25

If the ratio is less than 1, then the stock is overfished. In the absence of fishing it was determined that it would take 13 years to rebuild the stock to B_{MSY}. The maximum recommended rebuilding time is 34 years based on the formula: T_{MIN} (13 years) + one generation time (21 years).

The estimated stock status for snowy grouper in 2002 is quite low, median of 18% for $SSB_{(2002)}/SSB_{MSY}$. This corresponds to a stock status in 2002 relative to the virgin stock size [$SSB_{(2002)}$/SSBvirgin] of about 5%. The input data for the assessment model do not include a consistent abundance index that covers the whole time period of the model. The headboat CPUE and length composition data extends back to 1972, but changes in the fishery make interpretation of the observed trends in this index difficult. The headboat fishery moved inshore during the data period and consequently selectivity in the fishery changed. In the age-structured modeling, this was accommodated by dividing the headboat index into three time periods: with constant selectivity in 1972–1976, a possibly different constant selectivity in 1992–2002, and selectivity varying between them in 1977–1991. The other abundance indices do not start until 1990 or later. Therefore, the model must rely on data sources other than abundance indices for determining stock status.

Other data that provide information on stock status are the average weight and length from the fisheries landings as well as the observed age and length composition data. The 2002 average weights and lengths from the commercial fisheries suggest the population is at very low levels. The average weight and length in 2002 from the handline fishery suggests the population is near 11% and 3% of SSB_{MSY}, respectively. The average weight and length in 2002 from the longline fishery suggests the population is near 44% and 28% of SSB_{MSY}, respectively. The length

composition data from the most recent years (2000-2002) also suggests a depleted population of snowy grouper. The observed length distributions are skewed toward smaller fish compared to an equilibrium, virgin state length composition.

3.3.5 Golden tilefish assessment and stock status

There two indices of abundance available for the golden tilefish stock assessment. A fishery-independent index was developed from MARMAP horizontal longlines (SEDAR 4 2004). A fishery-dependent index was developed from commercial logbook data during the data workshop. Commercial and recreational landings as well as life history information from fishery-independent and fishery-dependent sources were used in the assessment. A statistical catch-at-age model and a production model were used to assess the golden tilefish population.

Exploitation status in 2002 was analyzed relative to the maximum fishing mortality threshold (MFMT; limit reference point in *F*). The MFMT was assumed equal to E_{MSY} or F_{MSY}, depending on the measure of exploitation. Stock status in 2002 was estimated relative to SSB_{MSY} and to maximum spawning size threshold (MSST). The MSST was computed as a fraction *c* of SSB_{MSY}. Restrepo *et al.* (1998) recommend a default definition for that fraction: $c=\max(1 - M,1/2)$, where *M* is the natural mortality rate. However, this definition does not account for age-dependent *M*, as was used in this assessment. Hence to accommodate the default definition, a constant *M* was computed that would correspond to an age-dependent *M*, by providing the same proportion of survivors at the maximum observed age [$M = -\log(P)/A$, where *P* is the proportion survivors at maximum observed age *A*]. This value of constant *M* was computed uniquely for each of the MCB runs.

Overfishing of golden tilefish (F>MFMT) began in the early 1980's and has continued in most years since then. The population responded to the fishing with a steady population decline to levels near SSB_{MSY} starting in the mid-1980's. The median value of $E_{(2002)}/E_{MSY}$ is 1.55, with a 10_{th} to 90_{th} percentile range of [0.77,3.25]. The median value of $F_{(2002)}/F_{MSY}$ is 1.53, with a range of [0.72,3.31]. The median value of $SSB_{(2002)}/SSB_{MSY}$ is 0.95, with a range of [0.61,1.53]. The median value of $SSB_{(2002)}$/MSST is 1.02, with a range of [0.65,1.67].

It appears likely that overfishing was occurring in 2002; however it is less clear whether the stock was overfished in 2002. The data do not include an abundance index that covers the entire assessment period. To determine stock status, therefore, the assessment must rely in part on other data sources, such as average weight and length from landings as well as the observed age and length composition data. This was explored in the following way: Assuming an equilibrium age-structure, the predicted average weight of landed fish from commercial fisheries is portrayed as a function of stock status. The average weight in 2002 from the handline fishery suggests that the population is near 52% of SSB_{MSY}; the average weight in 2002 from the longline fishery suggests that the population is near 100.1% of SSB_{MSY}. Taken together, these results are consistent with those from the assessment model that the stock is on the border between overfished and not overfished, and that the variability around the point estimate of stock status includes both possibilities. The length composition data from the most recent years (2000 to 2002) also suggests that golden tilefish SSB is near SSB_{MSY}. Observed length distributions are skewed toward smaller fish as compared to an equilibrium virgin length composition, but correspond to the predicted length composition at SSB_{MSY}. Under $F=0$, the median projection depicts a tilefish stock that recovers to SSB_{MSY} within one year.

3.3.6 Red snapper assessment and stock status

Assessments conducted in 1988 and 1990, indicated red snapper was experiencing overfishing (NMFS 1991; Huntsman *et al.* 1992). In 1990, scientists recommended size limits for red snapper to achieve reductions necessary to end overfishing. In response, the Council developed Amendment 4 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. In January 1992, new regulations for red snapper established a 20" TL minimum size limit and an aggregate bag limit of 10 snapper (excluding vermilion snapper) with no more than 2 red snapper included in the aggregate bag limit. These regulations were determined to be sufficient to end overfishing based on the science available at the time.

In 1997, a new red snapper stock assessment was conducted by the NMFS using landings data from 1986 to 1996. The assessment estimated red snapper reached a maximum age of 25 and noted that few fish over the age of 12 were landed. The assessment concluded that the red snapper stock was in a "transitional" condition. "The status of the stock is less than desirable, but does appear to be responding for the better to something, possibly management, in the most recent years." The Council did not implement any changes to red snapper management at the time based on the assessment conclusions.

The 2008 SEDAR 15 stock assessment concluded red snapper is overfished and undergoing overfishing. The assessment estimated that red snapper reach a maximum age of 54 years, not 25 years as previously estimated. The Council's SSC approved the assessment and indicated it was based on the best available scientific information.

A statistical catch-at-age model (SCA) and a surplus-projection model (ASPIC) were considered in this assessment. Data used assessment consist of records of commercial catch for the handline (hook-and-line) and dive fisheries, logbook data from the recreational headboat fishery, and MRFSS survey data of the rest of the recreational sector. The bulk of landings of red snapper come from the recreational fishery, which have exceeded the landings of the commercial fishery by 2-3 fold over the assessment period. Total landings were variable, with a downward trend through the 1990s.

The Council is considering two proxies for F_{MSY} in Amendment 17B, $F_{30\%SPR}$ and $F_{40\%SPR}$. The ratio of F to the respective proxies for F_{MSY} suggests a generally increasing trend in fishing mortality from the 1950s through the mid-1980s. This indicates that overfishing has been occurring since the early 1970s, with the 2006 estimate of $F/F_{30\%SPR} = 5.39$ and $F/F_{40\%SPR}$ at 7.67 (March 19, 2009 Projection; SEDAR 15 2008).

Estimated abundance-at-age shows truncation of the oldest ages from the 1950s into the 1980s; the age structure continues to be in a truncated condition. Fish of age 10 and above are practically non-existent in the population. Estimated biomass-at-age follows a similar pattern of truncation as seen in the abundance data. Total biomass and spawning biomass show nearly identical trends with a sharp decline during the 1950s and 1960s, continued decline during the 1970s, and stable but low levels since 1980. Numbers of age-1 fish have declined during the same period, however notably strong year classes occurred in 1983 and 1984, and again in 1998

and 1999. Note: Additional detail is presented in Section 4 and is hereby incorporated by reference.

3.3.7 Black grouper assessment and stock status

The 2007 Report to Congress (NMFS 2008) indicates black grouper are undergoing overfishing and the overfished status is unknown. Black grouper was assessed for the 1988, 1990, 1996, and 1999 fishing years (NMFS 1991; Huntsman *et al.* 1992; Potts and Brennan 2001). The assumption of ½ L_∞ as the age of maturity was used for estimating the static SPR. SPR values were 0.37%, 0.41%, 0.18%, and 0.18% for 1988, 1990, 1996, and 1999 fishing years, respectively. *This information may be updated with the newest findings of the SEDAR workshop held Octover 2009.*

3.3.8 Red grouper assessment and stock status

The 2007 Report to Congress (NMFS 2008) indicates red grouper are undergoing overfishing and the overfished status is unknown. Red grouper was assessed for the 1988, 1990, 1996, and 1999 fishing years (NMFS 1991; Huntsman *et al.* 1992; Potts and Brennan 2001). The assumption of ½ L_∞ as the age of maturity was used for estimating the static SPR. SPR values were 0.41%, 0.61%, 0.19%, and 0.28% for 1988, 1990, 1996, and 1999 fishing years, respectively. *This information may be updated with the newest findings of the SEDAR workshop held Octover 2009.*

3.3.9 Warsaw grouper assessment and stock status

The 2007 Report to Congress (NMFS 2008) indicates warsaw grouper are undergoing overfishing and the overfished status is unknown. Warsaw grouper was assessed by catch curve analysis using data from 1988 and 1990 (Huntsman *et al.* 1992). Because warsaw grouper are infrequently caught, a single length frequency was constructed from several years (e.g., 1983-1988) for the assessment of the 1988 fishing year and 1989-1990 length samples were used for the 1990 fishing year. A limited age length key was applied to the length frequency to obtain catch-at-age data. No reproductive biology data were available; therefore, for SPR calculations the assumption for age-at-maturity was based on ½ L_∞. Static SPR values for warsaw grouper were 0.2% and 6% for 1988 and 1990 fishing years, respectively.

3.3.10 Speckled hind assessment and stock status

The 2007 Report to Congress (NMFS 2008) indicates speckled hind are undergoing overfishing and the overfished status is unknown. Speckled hind was assessed for the 1988, 1990, 1996, and 1999 fishing years (NMFS 1991; Huntsman *et al.* 1992; Potts and Brennan 2001). Length frequencies for each fishing year assessed was constructed from that year's data. Length samples came primarily from the commercial fishery. Lengths for 1996 and 1999 were limited by the management restriction of one speckled hind per trip. Age and growth data were available but there were no reproductive biology data. The assumption of ½ L_∞ as the age of

maturity was used for estimating the static SPR. SPR values were 25%, 12%, 8%, and 5% for 1988, 1990, 1996, and 1999 fishing years, respectively.

3.4 Other Affected Council-Managed Species

Gag and vermilion snapper are targeted by fishermen and are commonly taken on trips together. Red grouper, scamp, blueline tilefish, red snapper, gray triggerfish, greater amberjack, white grunt, and others are also targeted by commercial fishermen and are taken on trips with gag and vermilion snapper. Gag and vermilion snapper are commonly taken on trips by recreational fishermen with white grunt, black sea bass, red snapper, gray triggerfish, and red porgy. A detailed description of the life history of these species is provided in the snapper grouper SAFE report (NMFS 2005).

3.5 Protected Species

There are 31 different species of marine mammals that may occur in the EEZ of the South Atlantic region. All 31 species are protected under the MMPA and six are also listed as endangered under the ESA (i.e., sperm, sei, fin, blue, humpback, and North Atlantic right whales). There are only three known interactions between the South Atlantic snapper grouper fishery and marine mammals. All three marine mammals were likely dolphins, all were caught in Florida on handline gear, and all three animals were released alive. Other species protected under the ESA occurring in the South Atlantic include five species of sea turtle (green, hawksbill, Kemp's ridley, leatherback, and loggerhead); the smalltooth sawfish; and two *Acropora* coral species (elkhorn [*Acropora palmata*] and staghorn [*A. cervicornis*]). A discussion of these species is included below. Designated critical habitat for the *Acropora* corals also occurs within the South Atlantic region.

The impacts of the South Atlantic snapper grouper fishery on ESA-listed species have been evaluated in a biological opinion on the continued authorization of snapper grouper fishing under the South Atlantic Snapper Grouper Fishery Management Plan and Amendment 13C (NMFS 2006), and during subsequent informal ESA section 7 consultations. The biological opinion stated the fishery was not likely to adversely affect any critical habitat or marine mammals (see NMFS 2006 for discussion on these species). However, the opinion did state that the snapper grouper fishery would adversely affect sea turtles and smalltooth sawfish. A discussion of these species is included below.

NOAA Fisheries Service conducted an informal Section 7 consultation on July 9, 2007, evaluating the impacts of the South Atlantic snapper grouper fishery on ESA-listed *Acropora* species. The consultation concluded that the continued operation of the snapper grouper fishery was not likely to adversely affect newly listed *Acropora* species. On November 26, 2008, a final rule designating *Acropora* critical habitat was published in the *Federal Register*. A memo dated December 2, 2008, evaluated the effects of the continued authorization of the South Atlantic snapper grouper fishery on *Acropora* critical habitat pursuant to section 7 of the ESA. The

evaluation concluded the proposed actions are not likely to adversely affect *Acropora* critical habitat.

3.5.1 ESA-Listed Sea Turtles

Green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles are all highly migratory and travel widely throughout the South Atlantic. The following sections are a brief overview of the general life history characteristics of the sea turtles found in the South Atlantic region. Several volumes exist that cover the biology and ecology of these species more thoroughly (i.e., Lutz and Musick (eds.) 1997, Lutz *et al.* (eds.) 2002).

Green sea turtle hatchlings are thought to occupy pelagic areas of the open ocean and are often associated with *Sargassum* rafts (Carr 1987, Walker 1994). Pelagic stage green sea turtles are thought to be carnivorous. Stomach samples of these animals found ctenophores and pelagic snails (Frick 1976, Hughes 1974). At approximately 20 to 25 cm carapace length, juveniles migrate from pelagic habitats to benthic foraging areas (Bjorndal 1997). As juveniles move into benthic foraging areas a diet shift towards herbivory occurs. They consume primarily seagrasses and algae, but are also know to consume jellyfish, salps, and sponges (Bjorndal 1980, 1997; Paredes 1969; Mortimer 1981, 1982). The diving abilities of all sea turtles species vary by their life stages. The maximum diving range of green sea turtles is estimated at 110 m (360 ft) (Frick 1976), but they are most frequently making dives of less than 20 m (65 ft.) (Walker 1994). The time of these dives also varies by life stage. The maximum dive length is estimated at 66 minutes with most dives lasting from 9 to 23 minutes (Walker 1994).

The hawksbill's pelagic stage lasts from the time they leave the nesting beach as hatchlings until they are approximately 22-25 cm in straight carapace length (Meylan 1988, Meylan and Donnelly 1999). The pelagic stage is followed by residency in developmental habitats (foraging areas where juveniles reside and grow) in coastal waters. Little is known about the diet of pelagic stage hawksbills. Adult foraging typically occurs over coral reefs, although other hard-bottom communities and mangrove-fringed areas are occupied occasionally. Hawksbills show fidelity to their foraging areas over several years (Van Dam and Diéz 1998). The hawksbill's diet is highly specialized and consists primarily of sponges (Meylan 1988). Gravid females have been noted ingesting coralline substrate (Meylan 1984) and calcareous algae (Anderes Alvarez and Uchida 1994), which are believed to be possible sources of calcium to aid in eggshell production. The maximum diving depths of these animals are not known, but the maximum length of dives is estimated at 73.5 minutes. More routinely, dives last about 56 minutes (Hughes 1974).

Kemp's ridley hatchlings are also pelagic during the early stages of life and feed in surface waters (Carr 1987, Ogren 1989). Once the juveniles reach approximately 20 cm carapace length they move to relatively shallow (less than 50m) benthic foraging habitat over unconsolidated substrates (Márquez-M. 1994). They have also been observed transiting long distances between foraging habitats (Ogren 1989). Kemp's ridleys feeding in these nearshore areas primarily prey on crabs, though they are also known to ingest mollusks, fish, marine vegetation, and shrimp (Shaver 1991). The fish and shrimp Kemp's ridleys ingest are not thought to be a primary prey item but instead may be scavenged opportunistically from bycatch discards or from discarded

bait (Shaver 1991). Given their predilection for shallower water, Kemp's ridleys most routinely make dives of 50 m or less (Soma 1985, Byles 1988). Their maximum diving range is unknown. Depending on the life stage a Kemp's ridleys may be able to stay submerged anywhere from 167 minutes to 300 minutes, though dives of 12.7 minutes to 16.7 minutes are much more common (Soma 1985, Mendonca and Pritchard 1986, Byles 1988). Kemp's ridleys may also spend as much as 96% of their time underwater (Soma 1985, Byles 1988).

Leatherbacks are the most pelagic of all ESA-listed sea turtles and spend most of their time in the open ocean. Although they will enter coastal waters and are seen over the continental shelf on a seasonal basis to feed in areas where jellyfish are concentrated. Leatherbacks feed primarily on cnidarians (medusae, siphonophores) and tunicates. Unlike other sea turtles, leatherbacks' diets do not shift during their life cycles. Because leatherbacks' ability to capture and eat jellyfish is not constrained by size or age, they continue to feed on these species regardless of life stage (Bjorndal 1997). Leatherbacks are the deepest diving of all sea turtles. It is estimated that these species can dive in excess of 1000 m (Eckert *et al.* 1989) but more frequently dive to depths of 50 m to 84 m (Eckert *et al.* 1986). Dive times range from a maximum of 37 minutes to more routines dives of 4 to 14.5 minutes (Standora *et al.* 1984, Eckert *et al.* 1986, Eckert *et al.* 1989, Keinath and Musick 1993). Leatherbacks may spend 74% to 91% of their time submerged (Standora *et al.* 1984).

Loggerhead hatchlings forage in the open ocean and are often associated with *Sargassum* rafts (Hughes 1974, Carr 1987, Walker 1994, Bolten and Balazs 1995). The pelagic stage of these sea turtles are known to eat a wide range of things including salps, jellyfish, amphipods, crabs, syngnathid fish, squid, and pelagic snails (Brongersma 1972). Stranding records indicate that when pelagic immature loggerheads reach 40-60 cm straight-line carapace length they begin to live in coastal inshore and nearshore waters of the continental shelf throughout the U.S. Atlantic (Witzell 2002). Here they forage over hard- and soft-bottom habitats (Carr 1986). Benthic foraging loggerheads eat a variety of invertebrates with crabs and mollusks being an important prey source (Burke *et al.* 1993). Estimates of the maximum diving depths of loggerheads range from 211 m to 233 m (692-764ft.) (Thayer *et al.* 1984, Limpus and Nichols 1988). The lengths of loggerhead dives are frequently between 17 and 30 minutes (Thayer *et al.* 1984, Limpus and Nichols 1988, Limpus and Nichols 1994, Lanyan *et al.* 1989) and they may spend anywhere from 80 to 94% of their time submerged (Limpus and Nichols 1994, Lanyan *et al.* 1989).

3.5.2 ESA-Listed Marine Fish

Historically the smalltooth sawfish in the U.S. ranged from New York to the Mexico border. Their current range is poorly understood but believed to have contracted from these historical areas. In the South Atlantic region, they are most commonly found in Florida, primarily off the Florida Keys (Simpfendorfer and Wiley 2004). Only two smalltooth sawfish have been recorded north of Florida since 1963 [the first was captured off North Carolina in 1963 and the other off Georgia in 2002 (National Smalltooth Sawfish Encounter Database, Florida Museum of Natural History)]. Historical accounts and recent encounter data suggest that immature individuals are most common in shallow coastal waters less than 25 meters (Bigelow and Schroeder 1953, Adams and Wilson 1995), while mature animals occur in waters in excess of 100 meters (Simpfendorfer pers. comm. 2006). Smalltooth sawfish feed primarily on fish. Mullet, jacks, and

ladyfish are believed to be their primary food resources (Simpfendorfer 2001). Smalltooth sawfish also prey on crustaceans (mostly shrimp and crabs) by disturbing bottom sediment with their saw (Norman and Fraser 1938, Bigelow and Schroeder 1953).

3.5.3 ESA-Listed Marine Invertebrates

Elkhorn (*Acropora palmata)* and staghorn (*A. cervicornis*) corals were listed as threatened under the ESA on May 9, 2006. The Atlantic *Acropora* Status Review (*Acropora* Biological Review Team 2005) presents a summary of published literature and other currently available scientific information regarding the biology and status of both these species.

Elkhorn and staghorn corals are two of the major reef-building corals in the wider Caribbean. In the South Atlantic region, they are found most commonly in the Florida Keys; staghorn coral occurs the furthest north with colonies documented off Palm Beach, Florida (26º3'N latitude). The depth range for these species ranges from <1 m to 60 m. The optimal depth range for elkhorn is considered to be 1 to 5 m depth (Goreau and Wells 1967), while staghorn corals are found slightly deeper, 5 to 15 m (Goreau and Goreau 1973).

All Atlantic *Acropora* species (including elkhorn and staghorn coral) are considered to be environmentally sensitive, requiring relatively clear, well-circulated water (Jaap *et al.* 1989). Optimal water temperatures for elkhorn and staghorn coral range from 25° to 29°C (Ghiold and Smith 1990, Williams and Bunkley-Williams 1990). Both species are almost entirely dependent upon sunlight for nourishment, contrasting the massive, boulder-shaped species in the region (Porter 1976, Lewis 1977) that are more dependent on zooplankton. Thus, Atlantic *Acropora* species are much more susceptible to increases in water turbidity than some other coral species.

Fertilization and development of elkhorn and staghorn corals is exclusively external. Embryonic development culminates with the development of planktonic larvae called planulae (Bak *et al.* 1977, Sammarco 1980, Rylaarsdam 1983). Unlike most other coral larvae, elkhorn and staghorn planulae appear to prefer to settle on upper, exposed surfaces, rather than in dark or cryptic ones (Szmant and Miller 2006), at least in a laboratory setting. Studies of elkhorn and staghorn corals indicated that larger colonies of both species had higher fertility rates than smaller colonies (Soong and Lang 1992).

3.5.4 South Atlantic Snapper Grouper Fishery Interactions with ESA-Listed Species

Sea turtles are vulnerable to capture by bottom longline and vertical hook-and-line gear. The magnitude of the interactions between sea turtles and the South Atlantic snapper grouper fishery was evaluated in NMFS (2006) using data from the Supplementary Discard Data Program (SDDP). Three loggerheads and three unidentified sea turtles were caught on vertical lines; one leatherback and one loggerhead were caught on bottom longlines, all were released alive (Table 3-1). The effort reported program represented between approximately 5% and 14% of all South Atlantic snapper grouper fishing effort. These data were extrapolated in NMFS (2006) to better estimate the number of interactions between the entire snapper grouper fishery and ESA-listed sea turtles. The extrapolated estimate was used to project future interactions (Table 3-2).

The SDDP does not provide data on recreational fishing interactions with ESA-listed sea turtle species. However, anecdotal information indicates that recreational fishermen occasionally take sea turtles with hook-and-line gear. The biological opinion also used the extrapolated data from the SDDP to estimate the magnitude of recreational fishing on sea turtles (Table 3-2).

Smalltooth sawfish are also considered vulnerable to capture by bottom longline and vertical hook-and-line gear based on their capture in other southeast fisheries using such gear (Poulakis and Seitz 2004; Simpfendorfer and Wiley 2004). SDDP data does not include any reports of smalltooth sawfish being caught in the South Atlantic commercial snapper grouper fishery. There are no other documented interactions between smalltooth sawfish and the South Atlantic commercial snapper grouper fishery. However, the potential for interaction, led NOAA Fisheries Service to estimate future interactions between smalltooth sawfish and the snapper grouper fishery in the 2006 biological opinion (Table 3-2).

Regulations proposed under snapper grouper amendment 15B (74 FR 31225; June 30, 2009) would require all commercial or charter/headboat vessels with a South Atlantic snapper-grouper permit, carrying hook-and-line gear on board, to possess required literature and release gear to aid in the safe release of incidentally caught sea turtles and smalltooth sawfish.

Table 3-1. Sea turtle incidental take data from the supplementary discard data program (SDDP) for the Southeast U.S. Atlantic.

Reporting Period	Month	Logbook Statistical Grid	Species Caught	Number Caught	Discard Condition
Vertical Hook-and-Line Sea Turtle Catch Data					
8/1/01-7/31/02	April	2482	Unidentified	1	Alive
8/1/01-7/31/02	November	3377	Loggerhead	1	Alive
8/1/02-7/31/03	February	2780	Loggerhead	1	Alive
8/1/02-7/31/03	November	3474	Loggerhead	1	Alive
8/1/02-7/31/03	November	3476	Unknown	1	Alive
8/1/02-7/31/03	December	3476	Unknown	1	Alive
Bottom Longline Sea Turtle Catch Data					
8/1/01-7/31/02	August	3674	Leatherback	1	Alive
8/1/03-7/31/04	January	3575	Loggerhead	1	Unknown

Source: SEFSC Supplementary Discard Data Program

Table 3-2. Three year South Atlantic anticipated takes of ESA-Listed species for snapper grouper gear.

Species	Amount of Take	Total
Green	Total Take	39
	Lethal Take	14
Hawksbill	Total Take	4
	Lethal Take	3
Kemp's ridley	Total Take	19
	Lethal Take	8

Leatherback	Total Take	25
	Lethal Take	15
Loggerhead	Total Take	202
	Lethal Take	67
Smalltooth sawfish	Total Take	8
	Lethal Take	0

Source: NMFS 2006

3.6 Administrative Environment

3.6.1 The Fishery Management Process and Applicable Laws

3.6.1.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the U.S. Exclusive Economic Zone (EEZ), an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the U.S. EEZ.

Responsibility for Federal fishery management decision-making is divided between the U.S. Secretary of Commerce and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary of Commerce (Secretary) is responsible for collecting and providing the data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the M-Magnuson-Stevens Act and with other applicable laws summarized in Section 7.0. In most cases, the Secretary has delegated this authority to NOAA Fisheries Service.

The South Atlantic Fishery Management Council is responsible for conservation and management of fishery resources in Federal waters of the U.S. South Atlantic. These waters extend from 3 to 200 miles offshore from the seaward boundary of the States of North Carolina, South Carolina, Georgia, and east Florida to Key West. The Council has thirteen voting members: one from NOAA Fisheries Service; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. On the South Atlantic Council, there are two public members from each of the four South Atlantic States. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard, State Department, and Atlantic States Marine Fisheries Commission (ASMFC). The South Atlantic Council has adopted procedures whereby the non-voting members serving on the Council Committees have full voting rights at the Committee level but not at the full Council level. Council members serve three-year terms and are recommended by State Governors and appointed by the Secretary of Commerce from lists of nominees submitted by State governors. Appointed members may serve a maximum of three consecutive terms.

Public interests also are involved in the fishery management process through participation on Advisory Panels and through council meetings, which, with few exceptions for discussing personnel matters, are open to the public. The Council uses a Scientific and Statistical Committee to review the data and science being used in assessments and fishery management plans/amendments. In addition, the regulatory process is in accordance with the Administrative Procedures Act, in the form of "notice and comment" rulemaking.

3.6.1.2 State Fishery Management

The state governments of North Carolina, South Carolina, Georgia, and Florida have the authority to manage fisheries that occur in waters extending three nautical miles from their respective shorelines. North Carolina's marine fisheries are managed by the Marine Fisheries Division of the North Carolina Department of Environment and Natural Resources. The Marine Resources Division of the South Carolina Department of Natural Resources regulates South Carolina's marine fisheries. Georgia's marine fisheries are managed by the Coastal Resources Division of the Department of Natural Resources. The Marine Fisheries Division of the Florida Fish and Wildlife Conservation Commission is responsible for managing Florida's marine fisheries. Each state fishery management agency has a designated seat on the South Atlantic Council. The purpose of state representation at the Council level is to ensure state participation in Federal fishery management decision-making and to promote the development of compatible regulations in state and Federal waters.

The South Atlantic States are also involved through the Atlantic States Marine Fisheries Commission (ASMFC) in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries. It has significant authority, through the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, to compel adoption of consistent state regulations to conserve coastal species. The ASFMC also is represented at the Council level, but does not have voting authority at the Council level.

NOAA Fisheries Service' State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the ASMFC to develop and implement cooperative State-Federal fisheries regulations.

3.7 Enforcement

Both the National Oceanic and Atmospheric Administration (NOAA) Fisheries Office for Enforcement (NOAA/OLE) and the United States Coast Guard (USCG) have the authority and the responsibility to enforce South Atlantic Council regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the States in the Southeast Region (North Carolina), which granted authority to State officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the States has increased through Joint Enforcement Agreements, whereby States conduct patrols that focus on Federal priorities and, in some circumstances, prosecute resultant violators through the State when a state violation has occurred.

NOAA General Counsel issued a revised Southeast Region Magnuson-Stevens Act Penalty Schedule in June 2003, which addresses all Magnuson-Stevens Act violations in the Southeast Region. In general, this Penalty Schedule increases the amount of civil administrative penalties that a violator may be subject to up to the current statutory maximum of $120,000 per violation.

3.8 Human Environment

3.8.1 Economic Description of the Commercial Fishery

Additional information on the commercial snapper grouper fishery is contained in previous amendments [Amendment 13C (SAFMC 2006), Amendment 15A (SAFMC 2007), Amendment 15B (SAFMC 2008), and Amendment 16 (SAFMC 2008)] and is incorporated herein by reference.

3.8.1.1 Gear and Fishing Behavior

The commercial snapper grouper fishery utilizes vertical lines, longlines, black sea bass pots/traps, spears, and powerheads (i.e., spears with spring-loaded firearms). Vertical lines are used from the North Carolina/Virginia border to the Atlantic side of Key West, Florida. The majority of hook and line fishermen use either electric or hydraulic reels (bandit gear) and generally have 2-4 bandit reels per boat. The majority of the bandit fleet fishes year round for snapper grouper with the only seasonal differences in catch associated with the regulatory spawning season closures in March and April for gag. Most fluctuations in fishing effort in this fishery are a result of the weather. Trips can be limited during hurricane season and during the

winter months from December through March. Some fishermen stop bandit fishing to target king mackerel when they are running.

The Council allows the use of bottom longlines north of St. Lucie Inlet, Florida, in depths greater than 50 fathoms. Bottom longline gear is used to target snowy grouper and golden tilefish. Longline boats are typically bigger than bandit boats, their trips are longer, and they cost more to operate because they operate farther offshore. A longline spool generally holds about 15 miles of cable. Longlines are fished from daylight to dark because sea lice eat the flesh of hooked fish at night. The fishery is operated year long with little or no seasonal fluctuation barring hurricane disruption.

Spears or powerheads are most commonly used off Florida and are illegal for killing snapper grouper species in South Carolina and in Special Management Zones.

Black sea bass pots are used exclusively to target black sea bass, though bycatch of other snapper grouper species is allowed. The pots have mesh size, material, and construction restrictions to facilitate bycatch reduction. All sea bass pots must have a valid identification tag attached and more than 87% of tags in April 2003 were for vessels with homeports in North Carolina. Fishing practices vary by buoy practices, setting/pulling strategies, number of pots set, and length of set, with seasonal variations. The South Carolina pot fishery is mainly a winter fishery with short soak times (in some cases about an hour) and relatively few pots per boat. Most trips are day trips with pots being retrieved before heading to port. The North Carolina pot fishery also is primarily a winter fishery with some fishermen continuing to pot through the summer. North Carolina fishermen tend to use more pots than those in South Carolina. Although most North Carolina trips with sea bass pots last one day, more pots are left to soak for several days than in South Carolina. Many participants in the black sea bass fishery are active in other fisheries, including the recreational charter fishery during the summer months. Many snapper grouper permit holders maintain pot endorsements but are not active in the pot fishery.

3.8.1.2 Landings, Revenue and Economic Impact

According to the NOAA Fisheries southeast logbook database, which is used to analyze commercial fishing behavior at the boat and trip level, the landings of all species in the snapper grouper management unit averaged 6.4 million pounds in 2003-2007 and had a dockside (ex-vessel) value to fishermen of $13.8 million in 2007 dollars, referring to trips landing at least one pound of snapper grouper (Table 3-7).[1] Adding what was not reported in the logbooks, total commercial landings of snapper grouper were approximately 22% higher, 7.8 million pounds in

[1] Fishermen are required to report their landings by species and by trip to NOAA Fisheries Service Southeast Fisheries Science Center logbook program. However, they do not report prices or revenue on their logbook sheets. Therefore, trip revenue were approximated as reported landings from individual logbook reports multiplied by average monthly prices for each species as calculated from the NOAA Fisheries Service Accumulated Landings System (ALS). To obtain values in 2007 dollars, the BLS Consumer Price Index for urban dwellers was used to adjust for the effects overall price inflation in the U.S. economy at the consumer level.

2003-2007 (ALS data, see footnote 1). The difference, 1.4 million pounds ($2.4 million), provides an approximation of the potential impact on commercial, logbook-reported landings of precluding the sale of fish under federal and state bag limit regulations (Snapper Grouper FMP Amendment 15B).[2] The difference of 1.4 million pounds is assumed to be for snapper grouper caught mostly in federal waters (*Ibid.*).

In 2003-2007, logbook-reported landings for snapper grouper averaged 6.4 million pounds and $13.8 million in 2007 dollars. Adding the $2.3 million for other species landed on the same trips, the trip value comes to $16.1 million (2007 dollars, Table 3-7). For the 890 boats that made these snapper grouper trips, the ex-vessel value for logbook-reported landings for all trips/species averaged $22.8 million. During these five years, the comparable annual average gross revenue was in the range of $24,000 to $27,000 per boat (median, $9,650 to $10,740 per boat; maximum, $210,000 to $360,000 per boat, all data in 2007 dollars).

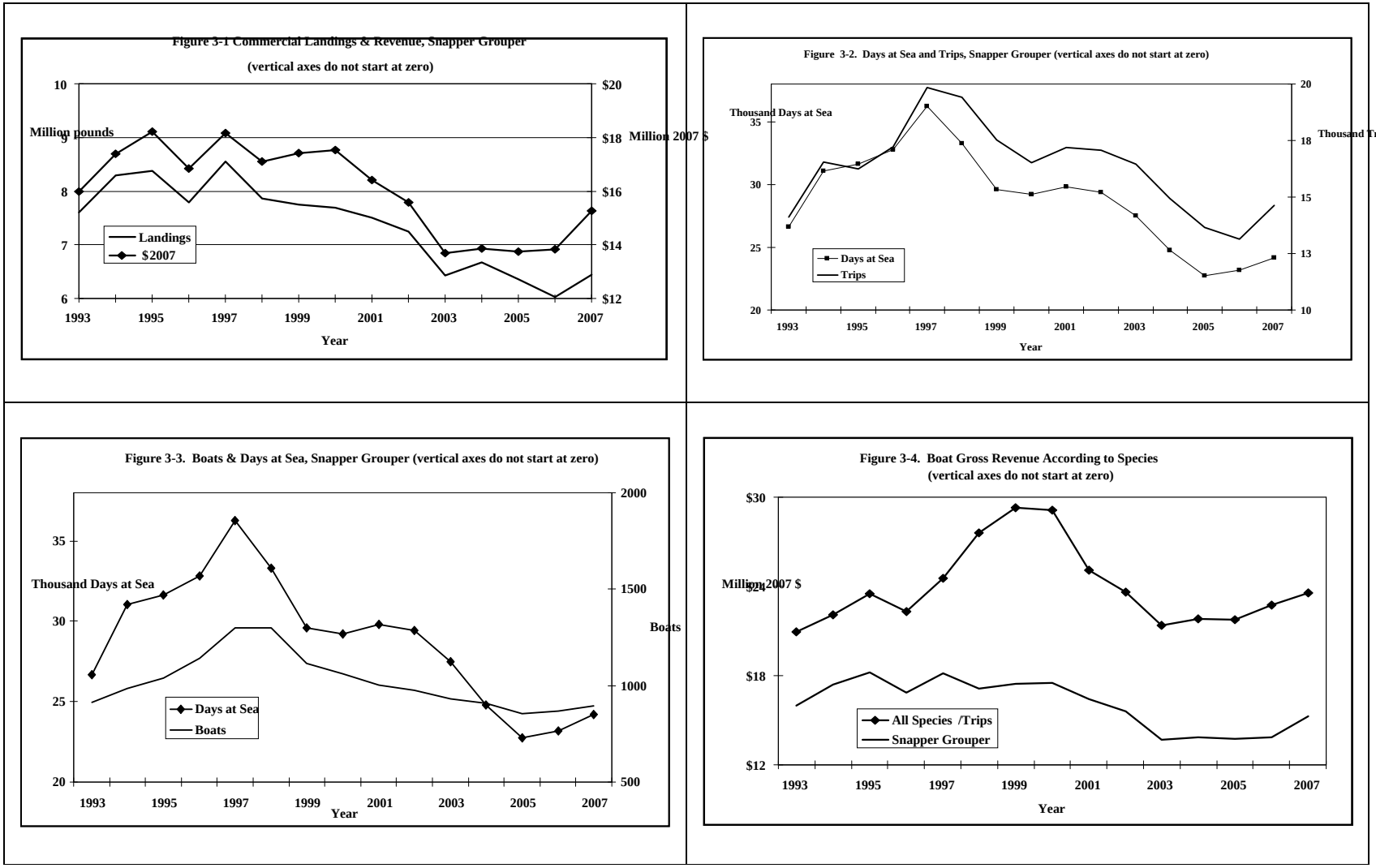
Estimates of the economic impacts of the commercial snapper grouper fishery are derived using the model developed for and applied in NMFS (2009C). Based on the average annual ex-vessel revenues for all snapper grouper species over the period 2003-2007 of $13.8 million (2007 dollars), the commercial snapper grouper fishery is estimated to support 2,679 full time equivalent (FTE) jobs and generate approximately $182 million in output (sales) impacts and approximately $77 million in income impacts per year to the U.S. economy. Among the jobs supported, 350 FTE jobs are estimated to be in the harvesting sector and 213 FTE jobs are in the dealer/processor sector. Approximately two-thirds of the jobs supported by the commercial snapper grouper fishery are estimated to accrue to the restaurant sector. The estimates of economic activity include the direct effects (effects in the sector where an expenditure is actually made), indirect effects (effects in sectors providing goods and services to directly affected sectors), and induced effects (effects induced by the personal consumption expenditures of employees in the direct and indirectly affected sectors).

In addition to these snapper grouper harvests, as discussed above, the vessels that harvested snapper grouper also harvested other species on the trips where snapper grouper were harvested, as well as on other trips on which no snapper grouper were harvested. All revenues from all species on all these trips contributed towards making these vessels economically viable and contributed to the economic activity associated with these vessels. The average annual total ex-vessel revenues from all species (including snapper grouper) harvested during this period (2003-2007) by vessels that harvested snapper grouper species was approximately $22.8 million (2007 dollars). The economic activity associated with these revenues is estimated to support 4,426 FTE jobs (578 in the harvesting sector and 352 in the dealer/processor sector) and generate approximately $300 million in output (sales) impacts and approximately $128 million in income impacts.

For the individual species a addressed by this amendment, vermilion snapper generated the largest average annual ex-vessel revenues, approximately $2.5 million (2007 dollars) per year

[2] The proposed Action and its alternatives, the methods, data and assumptions used in the analysis are described in SAFMC, Snapper Grouper FMP Amendment 15B, final draft of July 2008, especially section 4.4.2, pp. 4-21 to 4-38. Amendment 15B is pending review.

from 2003-2007, followed by gag at approximately $1.8 million (2007 dollars). The economic activity associated with these two species is estimated to support 485 FTE jobs (63 in the harvest sector and 63 in the dealer/processor sector) and 352 FTE jobs (46 in the harvest sector and 28 in the dealer/processor sector), respectively. The vermillion snapper revenues are estimated to generate approximately $33 million in output (sales) impacts and $14 million in income impacts, while the gag revenues are estimated to generate approximately $24 million and $10 million in economic output (sales) and income impacts, respectively. All harvests by the respective vessels that harvest these species support approximately 2,000 FTE jobs (260 in the harvest sector and 158 in the dealer/processor sector), and approximately $135 million in output (sales) impacts and approximately $58 million in income impacts, each. It should be noted, however, that these numbers are not additive because some, if not many, vessels likely harvest both species.



Figures 3-1 – 3-4. Commercial landings and revenue, days at sea and trips, days at sea and boats, boat gross revenue.

3.8.1.3 Landings, Ex-vessel Value, Price, and Effort

The landings of snapper grouper declined 29% from a high of 8.5 million pounds in 1997 to 6.1 million pounds in 2006, while effort declined by a third (Figures 3-1 to 3-4), Table 3-3 & 3-8; data used in the tables and graphs may differ). Boats fell from a high of 1,375 in 1998 to a low of 889 in 2005. Days at sea fell 37% from 36,264 to 22,727 between 1997 and 2006, while trips fell 34% from 19,860 to 13,138.

Counting all of their trips, the boats typically landed a bit more of other species than snapper grouper since 1999. However, the dockside price is lower, about $1.11 a pound compared with $2.15 for snapper grouper in 2003-2007, and it has fallen more over time, from $1.73 in 1993 (all prices in 2007 dollars, where price is represented by the ratio of revenue to landings). The revenue from species other than snapper grouper rose between 1993 and 1999, peaking at $11.8 million (Figure 3-4). Total boat revenue peaked at $29.3 million in 1999 and averaged approximately the same in 2003-2007 as in 1993-1997 (2007 dollars).

The shallow water groupers and mid-shelf snappers are the largest species groups by volume and value within the snapper grouper fishery. Vermilion snapper in the mid-shelf snapper group is the largest volume species in the fishery, and accounted for 15% of total landings and 18% of dockside revenue on average in 2003-2007 (totals, Table 3-3). Gag is the largest volume shallow-water grouper, and accounted for 9% of total landings and 13% of dockside revenue.

Table 3-3. Annual landings and dockside (ex-vessel) revenues for trips with at least one pound of species in the snapper grouper fishery management unit, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Snapper grouper, 1,000 lbs	6,471	6,693	6,365	6,112	6,528	6,434
Snapper grouper, 1,000 2007 $	$13,762	$13,340	$13,078	$13,431	$15,426	$13,807
Price/lb (whole wt), current $	$1.89	$1.82	$1.93	$2.14	$2.36	$2.03
Price index for #2 diesel fuel	43	54	80	92	100	67
Other sp, same trips, 1,000 lbs	2,092	1,651	1,751	2,116	2,122	1,946
Other sp, same trips, 1,000 2007 $	$2,149	$2,001	$2,225	$2,394	$2,738	$2,301
Boat rev, all sp/trips, 1,000 2007 $	$21,967	$22,120	$22,377	$23,338	$24,232	$22,807

Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database as of September 22, 2008, and Accumulated Landings System database as of September 17, 2008. NOAA Fisheries Service, Southeast Regional Office permits database. The BLS Consumer Price Index for all Urban Consumers was used to adjust dockside revenues and average annual prices for inflation. Data in last row computed separately, and results may differ if computed as for the previous rows. BLS Producer price index for #2 diesel fuel, index=100 for 2007.

The number of boats with snapper grouper permits exhibited a downward trend from 1,251 in 1999 to 874 in 2005, averaging 944 in 2003-2007 (Table 3-4). Two types of permits were created with the limited access program for the snapper grouper fishery that was implemented in 1998. The number of transferable permits that allow an unlimited harvest per trip was 938 in

1999 and 697 in 2006. The number of vessels with non-transferable permits with a 225-pound trip limit declined year-by-year from 313 in 1999 to 159 in 2007. The number of transferable permits declined, in part, because new entrants into the fishery must buy two permits and retire one as the condition for entry into the fishery. Furthermore, it is likely that the number of vessels in the snapper grouper fishery declined for economic reasons. For example, fuel prices doubled between 2003 and 2005 and continued to increase through mid-2008. By contrast, average annual prices for species in the snapper grouper management unit were relatively flat.

Table 3-4. Fishing effort and distribution of landings for trips with at least one pound of species in the snapper grouper fishery management unit in the South Atlantic, 2003-2007.

Item	2003	2004	2005	2006	2007	Average
Number of trips	16,545	15,045	13,756	13,224	14,753	14,665
Days away from port	27,556	24,820	22,794	23,160	24,216	26,296
Boats landing snapper grouper	931	905	857	868	889	890
Number of permitted boats	1059	1001	909	874	877	944
Boats with transferable permits	828	782	721	697	718	749
Boats with non-transferable permits	231	219	188	177	159	195
	Number of boats according to landings of snapper grouper					
1-100 lbs per boat per year	140	156	138	164	155	151
101-1,000 lbs per boat per year	245	225	242	258	261	246
1,001-5,000 lbs per boat per year	270	263	239	228	225	245
5,001-10,000 lbs per boat per year	104	96	86	64	86	87
10,001-50,000 lbs per boat per year	152	133	123	127	134	134
More than 50,000 lbs per boat per year	20	32	29	27	28	27

Source: Same as first table, this section.

From 2003 through 2007, there were on average 890 boats and 14,665 trips per year on which at least one pound of snapper grouper species was landed (Table 3-4).[3] On average, 493 of the 890 boats landed at least 1000 pounds of snapper grouper species annually; 248 boats landed at least 5,000 pounds; 161 boats landed at least 10,000 pounds; and 27 boats landed at least 50,000 pounds of snapper grouper species.

3.8.1.4 The South Atlantic Snapper Grouper Fishery by State

The following discussion provides annual averages for 2003-2007. To maintain the confidentiality of individual reporting units, summaries are provided for regions defined as North Carolina, South Carolina, Georgia and northeast Florida, and central-southeast Florida. Northeast Florida consists of trips landed in Nassau, Duval, and St. Johns Counties; the central-southeast Florida region consists of trips landed in Flagler through Miami-Dade Counties; and the Florida Keys region consists of trips from Atlantic waters landed in Monroe County.

[3] Fishermen with a permit to fish in Federal waters are required to submit a logbook report to the NMFS with information about landings, gear type, approximate location of trip and date of landing. Trip revenue was calculated as landings multiplied by average prices from the NMFS Accumulated Landings System. The logbook database does not include landings from trips in state waters by fishermen who do not have Federal permits.

Among the specified regions, snapper grouper landings and trips were not proportional (Table 3-5). For example, boats in central-southeast Florida made 32% of the trips and accounted for 12% of the total snapper grouper harvest. However, the disparity was less for trip revenue and days fished in this and other instances; that is, boats in central-southeast Florida had 19% of the trip revenue and 22% of the days fished. The differences have to do with the greater importance of coastal pelagic species on trips in central-southeast Florida and other factors.

Table 3-5. Average annual landings & dockside revenues for trips with at least one pound of species in the snapper grouper fishery, averages for 2003-2007 by state, quantity in whole weight.

Item	North Carolina	South Carolina	Georgia-northeast Florida	Central-southeast Florida	Florida Keys	South Atlantic
Snapper grouper, 1,000 lbs	1,816	1,591	734	790	1,504	6,434
Percent of landings	28%	25%	11%	12%	23%	100%
Snapper grouper, 1,000 2007 $	$3,738	$3,795	$1,651	$1,615	$3,008	$13,807
Other sp, same trips, 1,000 lbs	286	125	54	1,293	188	1,946
Trip revenue, 1,000 2007 $	$4,127	$3,977	$1,774	$3,021	$3,210	$16,108
Percent of trip revenue	26%	25%	11%	19%	20%	100%
Number of boats*	175	64	46	342	294	921
Number of trips	2,607	916	486	4,691	5,964	14,665
Percent of trips	18%	6%	3%	32%	41%	100%
Number of days	4,727	4,702	1,946	5,473	7,661	24,509
Percent of days fished	19%	19%	8%	22%	31%	100%
Trips per boat	14.9	14.2	10.6	13.7	20.3	15.9
Days per trip	1.8	5.1	4.0	1.2	1.3	1.7

Source: Same as first table, this section. *Some boats land in more than one area.

Table 3-6. Average annual landings (in thousands of pounds, whole weight) on trips that landed at least one pound of snapper grouper species: averages for 2003-2007, by state & species group.

Species	North Carolina		South Carolina		Georgia-northeast Florida		Central-southeast Florida		Florida Keys		South Atlantic	
	lbs	%	lbs	%	lbs	%	lbs	%	lbs	%	lbs	%
Shallow-water groupers	504	24%	555	32%	152	19%	107	5%	100	6%	1418	17%
Deep-water groupers	84	4%	78	5%	5	1%	28	1%	59	3%	254	3%
Tilefish	78	4%	112	6%	1	0%	227	11%	12	1%	430	5%
Shallow-water snappers	10	0%	20	1%	21	3%	128	6%	887	52%	1065	13%
Mid-shelf snappers	375	18%	366	21%	347	44%	33	2%	15	1%	1136	14%
Triggerfish / Spadefish	131	6%	77	4%	56	7%	5	0%	2	0%	271	3%
Jacks	111	5%	159	9%	132	17%	240	12%	406	24%	1047	12%
Grunts / porgies	127	6%	92	5%	14	2%	16	1%	24	1%	274	3%
Sea basses	395	19%	133	8%	6	1%	6	0%	0	0%	540	6%
Snapper grouper	1816	86%	1591	93%	734	93%	790	38%	1504	89%	6434	77%
Coastal pelagic sp	216	10%	52	3%	34	4%	1016	49%	81	5%	1399	17%
Sharks	9	0%	19	1%	6	1%	195	9%	77	5%	306	4%
Tunas	22	1%	2	0%	1	0%	1	0%	0	0%	25	0%
Other species	39	2%	54	3%	13	2%	81	4%	30	2%	217	3%

All species	2102	100%	1717	100%	787	100%	2083	100%	1692	100%	8380	100%
Source: Same as first table, this section.												

Reading the percentages down in Table 3-6, coastal pelagic species account for more than 10% of the landings only in central-southeast Florida. Shallow-water groupers and mid-shelf snappers account for more than 10% of the landings in the Carolinas and through Georgia and northeast Florida. Sea bass accounted for more than 10% of the landings in North Carolina only. Jacks account for more than 10% in Georgia and northeast Florida through the Keys.

3.8.1.5 The Snapper Grouper Fishery by Gear

The following discussion provides annual averages from 2003 to 2007. To maintain the confidentiality of individual reporting units, summaries are provided for vertical lines, longlines, black sea bass pots, and all other gears combined. The all-other-gear category includes trolling lines, nets, and other gears. Most of the snapper grouper harvest, including vermilion snapper and gag, is taken by some type of vertical hook-and-line gear. There are exceptions. Black sea bass are harvested primarily with black sea bass pots, while golden tilefish and yellowedge grouper are harvested primarily with bottom longlines. Some species, such as snowy grouper, are harvested by both vertical lines and longlines. Surface longlines used in the shark fishery may catch snapper grouper as secondary species.

The average quantities of snapper grouper species harvested from 2003-2007 included 5.2 million pounds worth $11.3 million (in 2007 dollars) per year with vertical lines, 0.41 million pounds with longlines, 0.12 million pounds with black sea bass pots, and 0.51 million pounds with other gear (Table 3-7). Vertical lines accounted for 78% of all trips that landed at least one pound of snapper grouper, 81% of the snapper grouper landed, 81% of days fished, and 76% of the trip revenue. Trips with longlines tend to be longer than trips with other gear.

Table 3-7. Annual landings and dockside revenues for trips with at least one pound of species in the snapper grouper fishery by primary gear, 2003-2007, landings in whole weight.

Item	Diving	Hook & Line	Longline	Traps	Other gear	Total
Snapper grouper, 1,000 lbs	219	5,185	408	116	506	6,434
Percentage of landings	3%	81%	6%	2%	8%	100%
Snapper grouper, 1,000 2007$	$571	$11,314	$895	$168	$861	$13,807
Other sp, same trips, 1,000 lbs	49	674	265	941	17	1,946
Percentage of landings, other	3%	35%	14%	48%	1%	100%
Trip revenue, thousand 2007 $	$762	$12,272	$1,048	$1,148	$880	$16,108
Percentage of trip revenue	5%	76%	7%	7%	5%	100%
Number of boats*	65	723	27	50	245	1,110
Number of trips	648	11,405	246	690	1,676	14,665
Percent of trips	4%	78%	2%	5%	11%	100%
Number of days fished	920	19,910	924	944	1,811	24,509
Percent of days fished	4%	81%	4%	4%	7%	100%
Trips per boat	10.0	15.8	9.0	13.8	6.8	13.2
Days per trip	1.4	1.7	3.8	1.4	1.1	1.7

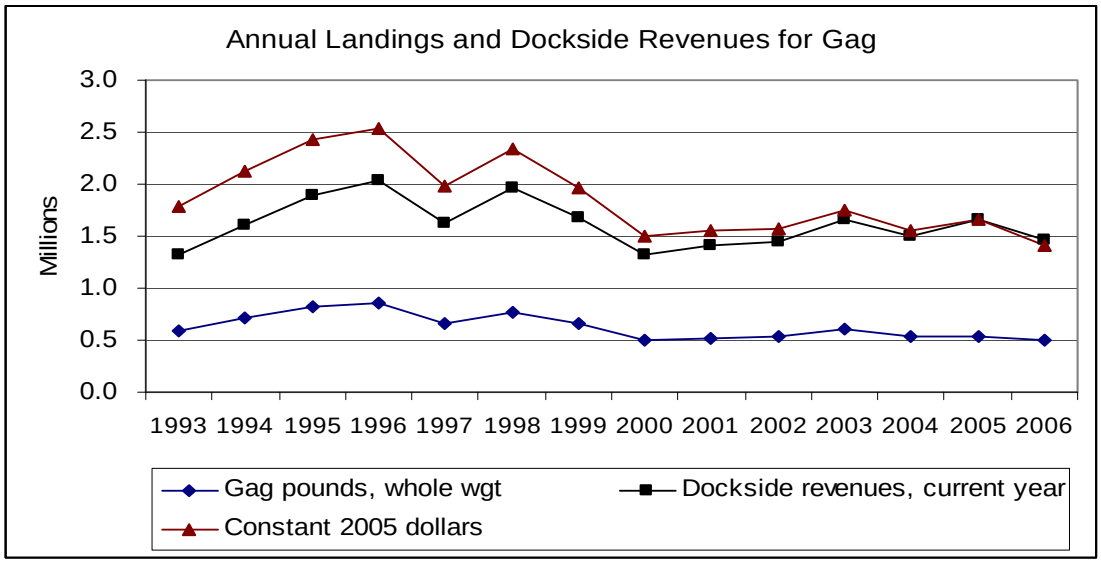
Source: Same as first table, this section.

3.8.1.6 The Commercial Fishery for Gag

According to logbook data, commercial landings of gag ranged from a high of 0.85 million pounds (whole weight) worth approximately $2.03 million in 1996 to a low of 0.50 million pounds worth $1.6 million in 2006 (Figure 3-5). Dockside revenue and pounds landed fluctuate in the same direction, which suggests that ex-vessel demand is price elastic. The policy implication is that regulations that reduce industry landings in the short-term are expected to reduce dockside revenue in the short-term. Conversely, dockside revenue is expected to increase over time if regulation successfully increases biomass and landings.

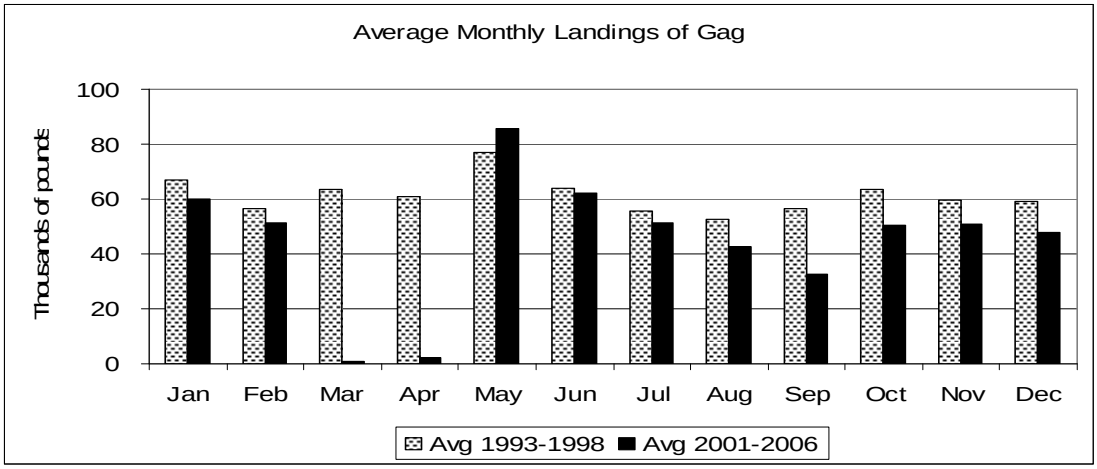
The time series for gag is defined by regulatory periods, with landings between 1993 and 1998 usually exceeding landings between 2001 and 2006. Between 1992 and 1998, the fishery for gag was regulated with a 20-inch minimum size limit. Beginning in 1999, the size limit was increased to 24 inches and the fishery was closed in March and April to protect the spawning stock. Prior to 1999, average monthly landings were highest in May and lowest in August (Figure 3-6). After the closure and larger size limit were implemented, average monthly landings increased in May, but otherwise declined in the remaining open months when compared to the 1993-1998 period, especially in September.

Figure 3-5. Annual landings and dockside revenue for gag, 1993-2006



Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database as of October 10, 2007.
NOAA Fisheries Service, Southeast Fisheries Science Center Accumulated Landings System as of October 5, 2007.

Figure 3-6. Monthly average landings of gag, 1993-1998 and 2001-2006.



Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database as of October 10, 2007.

On average in 2003-2007, 2,286 trips per year landed at least one pound of gag, and the landing came to 554,000 pounds with a value of $1.8 million in 2007 dollars (Table 3-8). On the same trips, the landings for all species came to 2.6 million pounds and the trip revenue came to $6.0 million. The ex-vessel value for all species and trips by the 292 boats that landed gag came to $10.2 million. The boats were not uniformly productive in the fishery for gag. Ninety-six of the 292 boats landed 100 pounds or less per year on average during 2003-2007, 160 landed 101 to 5,000 pounds, and 36 landed more than 5000 pounds.

Table 3-8. Annual landings, dockside revenue and fishing effort, trips and boats with landings of at least one pound of gag, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least one pound of gag	2,481	2,182	2,200	2,082	2,487	2,286
Gag, thousand pounds	598	532	541	496	605	554
Gag, thousand current $	$1,636	$1,521	$1,651	$1,617	$2,140	$1,713
Gag, thousand 2007 $	$1,844	$1,668	$1,751	$1,661	$2,136	$1,812
Dockside price, current $ / pound	$2.73	$2.86	$3.05	$3.26	$3.53	$3.09
All sp, same trips, thousand lbs	2,576	2,509	2,584	2,363	2,819	2,570
All sp, same trips, 1,000 2007 $	$5,898	$5,482	$5,845	$5,629	$7,154	$6,001
Boat rev, all sp/trips, 1,000 2007$	$9,923	$9,538	$10,357	$9,238	$12,137	$10,239
Number of boats that landed gag	302	292	302	259	305	292
	Number of boats according to landings of gag grouper					
1-100 lbs per boat per year	99	100	100	90	92	96
101-1,000 lbs per boat per year	89	92	103	74	100	92
1,001-5,000 lbs per boat per year	76	68	64	61	72	68
5,001-10,000 lbs per boat per year	25	19	22	21	30	23
More than 10,000 lbs per boat / year	13	13	13	13	11	13

Source: Same as first table, this section.

Gag was the primary source of revenue on an average of 1,042 trips per year in 2003-2007, and a lesser source of revenue on 1,244 trips (Table 3-9 and Table 3-10). However, on the trips for which gag was the primary source of revenue, it accounted for approximately 71% (391,000

pounds) of the commercial harvest, and 470,000 pounds of other species (other groupers, snappers, jacks, grunts, porgies and non-snapper grouper species). On the 1,244 trips for which it was a lesser source of revenue, landings of gag came to 164,000 pounds with an ex-vessel value of $527,000, compared with 1.5 million pounds for other species and an ex-vessel value of $3.2 million (Table 3-10). Along the Atlantic coast, more of the landings of gag occur in the Carolinas than farther south (Table 3-11). Approximately 81% of the gag is landed with vertical lines, and most of the remainder is landed with dive gear.

Table 3-9. Annual landings and Dockside revenue on trips with gag as the top source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least one pound of gag	1,183	1,011	1,044	904	1,070	1,042
Boats	184	193	188	169	206	188
Gag, thousand pounds	415	385	372	341	440	391
Gag, thousand 2007 $	$1,282	$1,212	$1,213	$1,149	$1,567	$1,284
Other sp, same trips, 1,000 lbs	505	482	432	418	512	470
Other sp, same trips, 1,000 2007 $	$1,015	$935	$877	$861	$1,142	$966

Source: Same as first table, this section.

Table 3-10. Annual landings and dockside revenue on trips with gag as a lesser source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least one pound of gag	1,298	1,171	1,156	1,178	1,417	1,244
Boats	263	247	253	225	262	250
Gag, thousand pounds	184	147	169	155	166	164
Gag, thousand 2007 $	$562	$456	$538	$512	$569	$527
Other sp, same trips, 1,000 lbs	1,472	1,496	1,611	1,449	1,701	1,546
Other sp, same trips, 1,000 2007 $	$3,039	$2,878	$3,217	$3,107	$3,876	$3,224

Source: Same as first table, this section.

Table 3-11. Annual landings of gag for trips with at least one pound of gag, by region and primary gear, 2003-2007, landings in thousand pounds, whole weight.

Landing region or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	141	143	175	154	141	151
South Carolina	234	233	216	204	241	226
Georgia and northeast Florida	100	88	90	71	117	93
Central and southeast Florida	120	66	58	66	101	82
Florida Keys	3	2	1	1	4	2
Vertical lines	455	450	467	410	462	447
Diving gear	131	76	67	81	133	98
Other gear	13	7	6	5	11	8

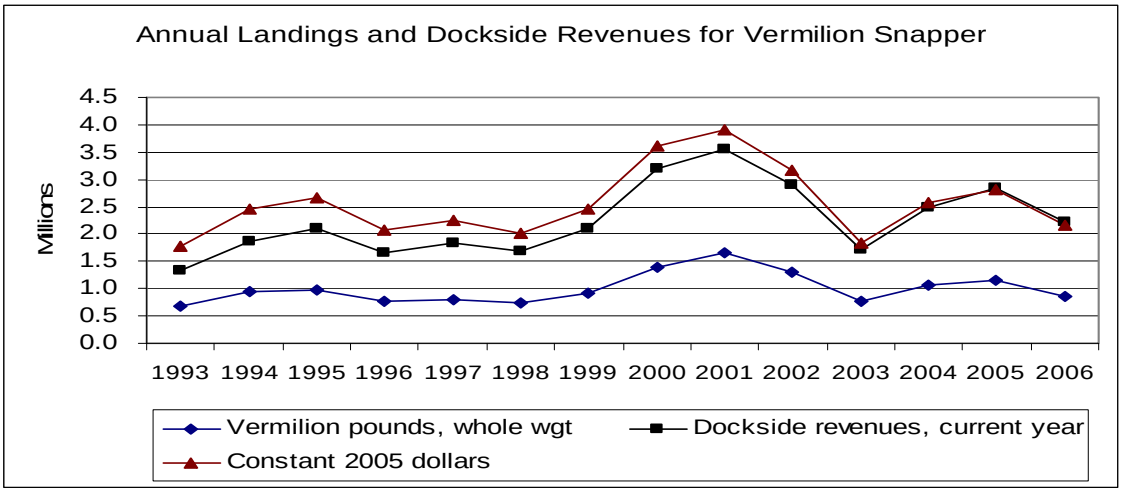
Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database as of September 22, 2008.

3.8.1.7 The Commercial Fishery for Vermilion Snapper

Logbook-reported commercial landings of vermilion snapper in 1993-2006 ranged from 0.68 million pounds ($1.33 million) in 1993 to 1.65 million pounds ($3.54 million) in 2001 (Figure 3-7). Landings of vermilion snapper began to increase in 1999 coincident with the implementation

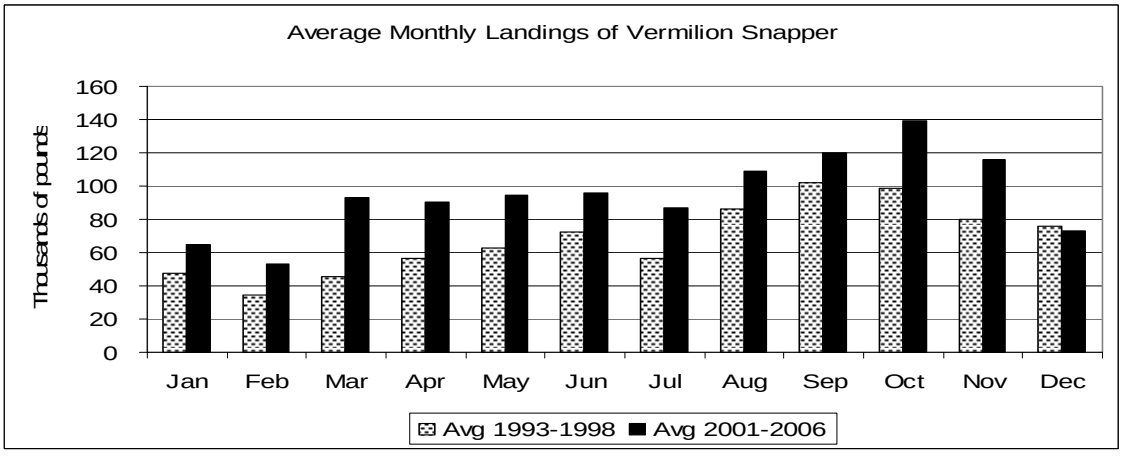
of more restrictive regulations for gag, peaked in 2001, and then declined through 2003 when unusually cold-water temperatures reduced the availability of fish in the summer and fall of 2003. Landings of vermilion snapper recovered in 2004 and 2005, but not to the levels of 2001 and 2002. Dockside revenue generally displayed the same trend over time as commercial landings, which suggests that ex-vessel demand for vermilion snapper is price elastic. Hence, regulations that reduce industry landings in the short-term are expected to reduce dockside revenue in the short-term. Conversely, dockside revenue is expected to increase over time if regulation successfully increases biomass and landings. Vermilion snapper are landed throughout the year, with peak months from August through November (Figure 3-8). Average monthly landings were higher for all months except December during 2001-2006 compared with 1993-1998. The greatest relative monthly increases in average landings between the two periods occurred during March and April, apparently as fishermen shifted their fishing effort from gag to vermilion in response to the closed season that was implemented in 1999.

Figure 3-7. Annual landings and dockside revenue for vermilion snapper, 1993-2006.



Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database (as of October 10, 2007), and Accumulated Landings System (as of October 5, 2007).

Figure 3-8. Monthly average landings, vermilion snapper, 1993-1998 & 2001-2006.



Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database as of October 10, 2007.

Logbook-reported landings of vermilion snapper averaged 993,000 pounds in 2003-2007 and had an ex-vessel value of $2.5 million, and counting all species landed on the 2,230 trips, trip revenue was $7.2 million (2007 dollars; trips with one or more pounds of vermilion snapper; Table 3-12).

Table 3-12. Annual landings, dockside revenues and fishing effort, trips and boats with landings of at least one pound of vermilion snapper, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb vermilion snapper	2,171	2,147	2,170	2,107	2,554	2,230
Vermilion snapper, thousand pounds	769	1,071	1,152	865	1,108	993
Vermilion snapper, thousand current $	$1,866	$2,274	$2,552	$2,083	$3,078	$2,370
Vermilion snapper, thousand 2007 $	$2,100	$2,490	$2,704	$2,140	$3,070	$2,501
Dockside price, current $ / pound	$2.43	$2.12	$2.21	$2.41	$2.78	$2.39
All species, same trips, 1000 lbs	2,796	3,131	3,210	3,026	3,777	3,188
All species, same trips, 1,000 2007 $	$6,377	$6,629	$7,012	$6,889	$9,086	$7,199
Boat rev, all sp/trips, 1,000 2007 $	$9,517	$9,383	$9,550	$10,124	$12,741	$10,263
Boats that landed vermilion snapper	248	255	252	233	275	253
	Number of boats according to landings of vermilion snapper					
1-100 lbs per boat per year	91	95	99	89	111	97
101-1,000 lbs per boat per year	66	75	59	63	70	67
1,001-5,000 lbs per boat per year	38	28	38	35	37	35
5,001-10,000 lbs per boat per year	26	13	18	12	18	17
More than 10,000 lbs per boat / year	27	44	38	34	39	36

Source: Same as first table, this section.

Revenue for the 253 boats came to $10.2 million for all species/trips landed. The boats were not uniformly productive in the fishery for vermilion snapper. Ninety-seven of the 253 boats landed 100 pounds or less, 164 boats landed 1,000 pounds or less, 52 landed 1,001 to 10,000 pounds, and 36 boats landed more than 10,000 pounds (Table 3-12).

Table 3-13. Annual landings and dockside revenues on trips with vermilion snapper as the top source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb vermilion snapper	956	1024	1059	809	1063	982
Boats	152	159	156	135	147	150
Vermilion snapper, thousand pounds	630	911	992	687	901	824
Vermilion snapper, thousand 2007 $	1716	2126	2329	1717	2496	2077
Other species, same trips, thousand pounds	722	834	963	733	997	850
Other species, same trips, thousand 2007 $	1323	1391	1754	1348	1842	1532

Source: Same as first table, this section.

Vermilion snapper was the primary source of revenue on 982 trips per year on average in 2003-2007 (Table 3-13). These trips accounted 83% of the landings and ex-vessel value, 824,000 pounds at $2.1 million (Table 3-13). On these trips, other species accounted for 855,000 pounds and $1.5 million in revenue (groupers, jacks, grunts, porgies, and non-snapper grouper species).

Vermilion snapper were caught as a lesser source of revenue on 1,248 trips for gag, scamp, and red grouper in the shallow-water grouper fishery and snowy grouper in the deep-water grouper fishery (Table 3-14). These trips accounted for an annual average of 169,000 pounds of vermilion snapper ($424,000 in 2007 dollars) and 1.3 million pounds ($3.2 million) of other species. Vermilion snapper is landed mostly in the Carolinas through Georgia and northeast Florida and vertical lines are the leading gear (Table 3-15).

Table 3-14. Annual landings and dockside revenues on trips with vermilion snapper as a lesser source of trip revenue, 2003-2007, landings in whole weight

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb vermilion snapper	1,215	1,123	1,111	1,298	1,491	1,248
Boats	220	221	213	203	255	222
Vermilion snapper, thousand pounds	140	160	160	178	207	169
Vermilion snapper, thousand 2007 $	$385	$364	$376	$423	$574	$424
Other species, same trips, 1,000 lbs	1,304	1,225	1,095	1,428	1,672	1,345
Other sp, same trips, 1,000 2007 $	$2,955	$2,748	$2,554	$3,401	$4,175	$3,166

Source: Same as first table, this section.

Table 3-15. Annual landings of vermilion snapper for trips with at least one pound of vermilion snapper, by region and primary gear, 2003-2007, landings in whole weight.

Landing region or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	238	311	422	320	522	363
South Carolina	286	414	424	259	264	329
Georgia and northeast Florida	225	331	291	277	312	287
Central and southeast Florida	11	7	10	4	8	8
Florida Keys	9	8	5	5	1	6
Vertical lines	764	1,066	1,145	859	1,098	986
Diving gear	2	2	4	4	5	3
Other gear	4	3	3	2	4	3

Source: Same as first table, this section.

3.8.1.8 The Commercial Fishery for Red Snapper

A small commercial fishery for red snapper along the Atlantic coast has existed at least since 1902 when 155,000 pounds were landed, primarily in Georgia.[4] The fishery continued at relatively low levels until after World War II. Landings jumped to approximately 250,000 pounds in 1945. By 1950, they had reached 363,000 pounds. Then, they fluctuated along a generally increasing trend through 1968, peaking at 974,000 pounds and declining to less than 100,000 pounds in 2006 (Figure 3-9). Fishermen along the east coast of Florida dominated the commercial fishery until the mid-1970s (Figure 3-9). By the late 1970s, the fishery had expanded into Georgia, South Carolina and North Carolina, and it declined in Florida. In 1993-2007, logbook-reported commercial landings of red snapper ranged from 202,000 pounds (whole weight) worth approximately $544,000 in current year dollars in 2001 to 81,000 pounds worth $263,000 in 2006 (Figure 3-10). Dockside revenue and pounds landed fluctuate in the same

[4] NOAA. 1990. Historical catch statistics: Atlantic and Gulf coast states, 1879-1989. Current Fishery Statistics 9010, NMFS Fishery Statistics Division, 107p.

direction, which suggests that ex-vessel demand is price elastic. The policy implication is that regulations that reduce industry landings in the short-term are expected to reduce dockside revenue in the short-term. Conversely, dockside revenue is expected to increase over time if

Figure 3-9. Commercial landings of red snapper

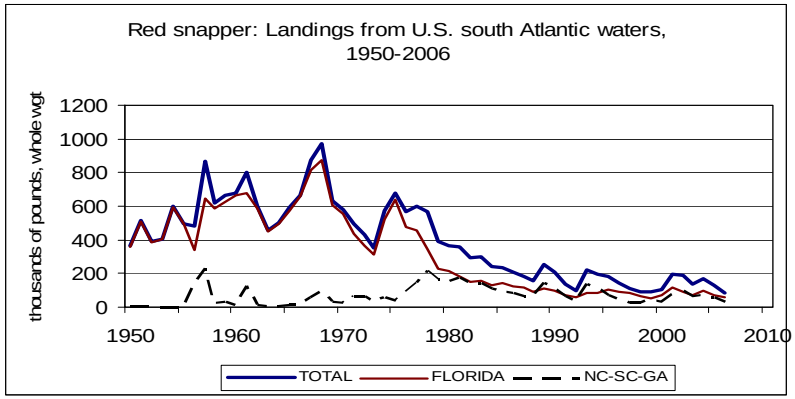


Figure 3-10. Annual landings & revenue, red snapper, 1993-2007

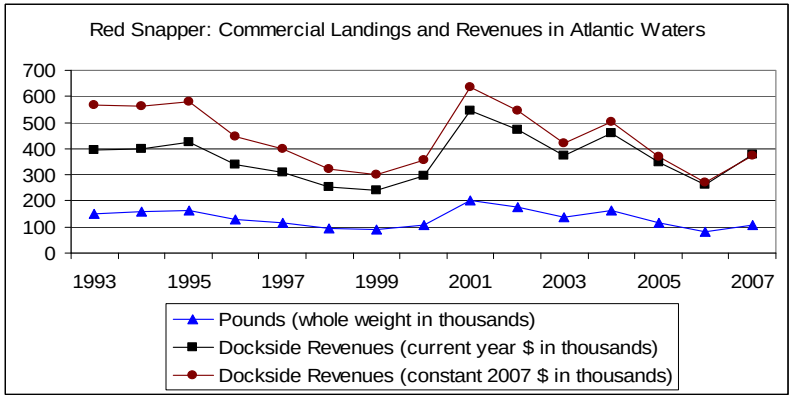


Figure 3-11. Average annual dockside prices, red snapper

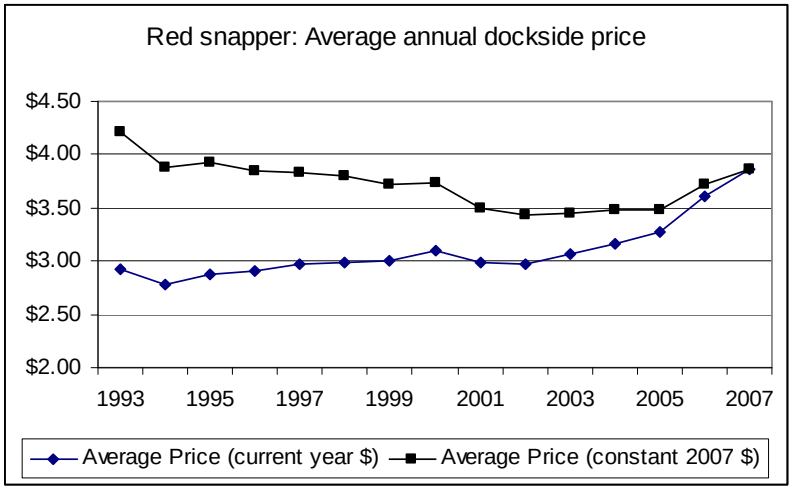
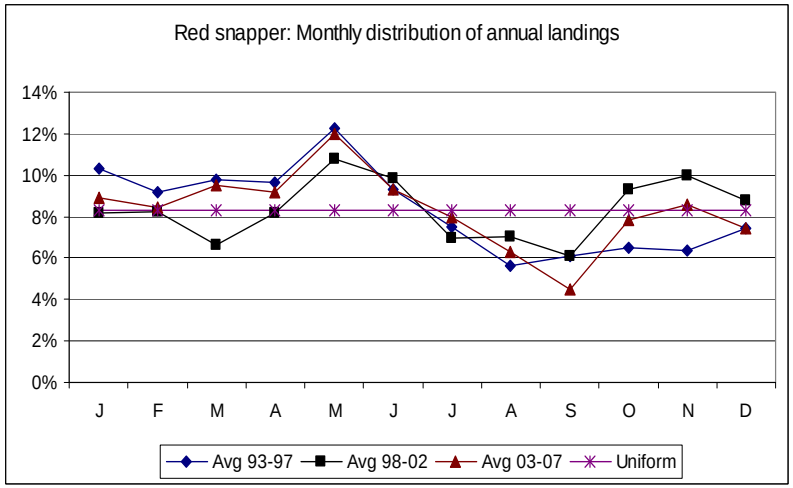


Figure 3-12. Seasonal distribution, red snapper landings, 1993-2007



regulations successfully increase biomass and landings. Average annual dockside prices for red snapper increased steadily in current year dollars (Figure 3-11). However, prices in 2007 dollars declined through 2002 before increasing in 2006 and 2007.

Although the seasonal distribution of landings varied during 1993-2007, landings tend to be highest in May and lowest in September (Figure 3-12). During the 5-year period from 2003-2007, landings were above average from March through June, below average in August and September, and about average between October and February when compared to a uniform distribution of landings throughout the year.

On average in 2003-2007, 1,385 trips a year landed 121,000 pounds of red snapper worth $388,000 in 2007 dollars, and 2.0 million pounds of other species worth $4.5 (trips with at least one pound of red snapper, Table 3-16). Clearly, red snapper was not the primary revenue species on most of these trips. Boat revenue for all species/trips came to $9.8 million, with 4% for red snapper. Among the 220 boats, 102 boats landed less than 100 pounds of red snapper per year, 84 landed 101-1000 pounds, and 34 landed more than 1000 pounds.

Table 3-16. Annual landings, dockside revenues and fishing effort, trips and boats with landings of at least one pound of red snapper, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb of red snapper	1,639	1,476	1,341	1,153	1,315	1,385
Red snapper, thousand pounds	136	161	117	81	108	121
Red snapper, thousand current $	$374	$459	$346	$263	$377	$364
Red snapper, thousand 2007 $	$422	$505	$368	$271	$376	$388
Dockside price, current $ / pound	$2.76	$2.85	$2.95	$3.25	$3.49	$3.02
All species, same trips, 1,000 lbs	2,252	2,292	2,199	1,679	2,059	2,096
All sp, same trips, 1,000 2007 $	$5,190	$5,105	$4,969	$3,990	$5,131	$4,877
Boat rev, all sp/trips, 1,000 2007 $	$9,448	$8,886	$8,992	$9,286	$12,286	$9,780
Boats that landed red snapper	236	217	216	206	225	220
	Number of boats according to landings of red snapper					
1-100 lbs per boat per year	106	87	97	106	114	102
101-1,000 lbs per boat per year	91	86	86	74	81	84
More than 1,000 lbs per boat per year	39	44	33	26	30	34

Source: Same as first table, this section.

Red snapper was the primary source of trip revenue on an average of 163 trips per year, 12% of the trips on which it was landed (Table 3-17). These trips accounted for approximately 31% of the total commercial harvest, with an annual average of 38,000 pounds of red snapper worth $125,000 in 2007 dollars and 49,000 pounds of other species ($103,000; Table 3-17). On the 1,222 trips wherein red snapper was a lesser source of trip revenue, it accounted for an annual average of 82,000 pounds of red snapper ($263,000 in 2007 dollars) and 1.9 million pounds of other species ($4.4 in 2007 dollars, Table 3-18). Red snapper is part of the mid-shelf snapper grouper complex that includes scamp, gag, vermilion snapper, red porgy, gray triggerfish and red grouper, among other species. Red snapper is most commonly caught on trips with vermilion snapper, gag or scamp as the primary revenue species on the trip. Red snapper is landed mostly in South Carolina, Georgia and northeast Florida, and central-southeast Florida and it is caught mostly with vertical lines (Table 3-19).

Table 3-17. Annual landings and dockside revenues on trips with red snapper as the top source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb of red snapper	172	198	157	140	149	163
Boats	80	76	66	58	61	68
Red snapper, thousand pounds	43	58	29	27	35	38
Red snapper, thousand 2007 $	$134	$183	$91	$93	$125	$125
Other sp, same trips, 1,000 lbs	63	75	38	29	41	49
Other sp, same trips, 1,000 2007$	$133	$153	$78	$66	$86	$103

Source: Same as first table, this section.

Table 3-18. Annual landings and dockside revenues on trips with red snapper as a lesser source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb of red snapper	1,467	1,278	1,184	1,013	1,166	1,222
Boats	224	204	199	191	213	206
Red snapper, thousand pounds	93	103	89	54	73	82
Red snapper, thousand 2007 $	$288	$321	$277	$178	$251	$263
Other sp, same trips, 1,000 lbs	2,053	2,057	2,044	1,569	1,910	1,927
Other sp, same trips, 1,000 2007 $	$4,635	$4,447	$4,524	$3,653	$4,669	$4,386

Source: Same as first table, this section.

Table 3-19. Annual landings of red snapper for trips with at least one pound of red snapper, by region and primary gear, 2003-2007, landings in thousand pounds, whole weight.

Region of landing / primary gear	2003	2004	2005	2006	2007	Average
North Carolina	15	10	7	6	5	9
South Carolina	37	43	38	20	25	33
Georgia and northeast Florida	65	90	46	34	52	58
Central and southeast Florida	16	16	23	17	25	19
Florida Keys	3	1	2	4	1	2
Vertical lines	122	147	103	72	90	107
Diving gear	11	13	11	7	16	12
Other gear	3	1	2	2	1	2

Source: Same as first table, this section.

3.8.1.9 The Commercial Fishery for Black Grouper

Black grouper were landed on an average 1,622 trips per year in 2003-2007, with landings amounting to 182,000 pounds ($528,000 in 2007 dollars; trips with landings of at least one pound of black grouper, Table 3-20). Landings of other species on these trips came to 873,000 pounds, and brought trip revenue to $2.3 million. For the 323 boats, the landings of black grouper accounted for 6.5% of the $8.2 million of the ex-vessel value for all logbook-reported landings of species/trips (Table 3-20). Black grouper was landed by an average of 323 boats in

2003-2007, with 288 of them landing 1,000 pounds or less per year and 8 of them landing more than 5,000 pounds.

Table 3-20. Annual landings, dockside revenue and fishing effort, trips and boats with landings of at least one pound of black grouper, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb black grouper	1,743	1,905	1,726	1,331	1,405	1,622
Black grouper, thousand pounds	158	205	196	170	180	182
Black grouper, thousand current $	$386	$518	$521	$495	$575	$499
Black grouper, thousand 2007 $	$436	$569	$552	$510	$575	$528
Dockside price, current $ / pound	$2.45	$2.52	$2.66	$2.92	$3.19	$2.75
All sp, same trips, 1,000 lbs	921	1,150	1,145	981	1,079	1,055
All sp, same trips, 1,000 2007 $	$1,934	$2,379	$2,445	$2,241	$2,607	$2,321
Boat rev, all sp/trips, 1,000 2007 $	$8,779	$8,604	$7,339	$7,396	$8,693	$8,162
Boats landing landed black grouper	372	363	309	289	281	323
	Number of boats according to landings of black grouper					
1-100 lbs per boat per year	171	152	139	157	138	151
101-1,000 lbs per boat per year	164	172	138	101	110	137
1,001-5,000 lbs per boat per year	34	28	23	23	25	27
More than 5,000 lbs per boat per year	3	11	9	8	8	8

Source: Same as first table, this section.

Black grouper was the top source of revenue for 649 trips on average in 2003-2007, and a lesser source on 973 trips (Table 3-21 and Table 3-22). On the 649 trips for which it was the top source of revenue, black grouper accounted for 115,000 pounds of landings ($334,000 in 2007 dollars), and other species accounted for 122,000 pounds. These 649 trips accounted for 67% of the total ex-vessel value. For the 973 trips for which it was a lesser source of revenue, landings of black grouper came to 67,000 pounds, compared with 751,000 pounds for other species. During 2003-2007, black grouper was landed for the most part in the Carolinas and the Florida Keys (Table 3-23). Vertical lines were the leading gear.

Table 3-21. Annual landings and dockside revenues on trips with black grouper as the top source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Ave
Trips with at least 1 lb black grouper	691	802	686	510	554	649
Boats	206	203	169	149	151	176
Black grouper, 1,000 pounds	106	137	113	108	111	115
Black grouper, 1,000 2007 $	$292	$380	$319	$325	$356	$334
Other sp, same trips, 1,000 lbs	107	149	86	123	147	122
Other sp, same trips, 1,000 2007 $	$188	$262	$154	$243	$315	$232

Source: Same as first table, this section.

Table 3-22. Annual landings and dockside revenues on trips with black grouper as a lesser source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Ave
Trips with at least 1 lb black grouper	1,052	1,103	1,040	821	851	973
Boats	309	294	263	242	232	268
Black grouper, 1,000 pounds	52	69	83	62	69	67

Black grouper, 1,000 2007 $	$144	$189	$233	$185	$219	$194
Other sp, same trips, 1,000 lbs	656	795	864	688	752	751
Other sp, same trips, 1,000 2007$	$1,310	$1,548	$1,740	$1,488	$1,717	$1,561
Source: Same as first table, this section.						

Table 3-23. Annual landings of black grouper for trips with at least one pound of black grouper, by region and primary gear, 2003-2007, landings in thousand pounds, whole weight.

Landing region or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	41	50	58	61	30	48
South Carolina	24	32	31	49	65	40
Georgia and northeast Florida	3	19	12	8	19	12
Central and southeast Florida	14	16	11	10	12	13
Florida Keys	76	89	83	42	54	69
Vertical lines	121	172	168	156	159	155
Diving gear	24	21	24	12	18	20
Other gear	12	11	4	1	3	6
Source: Same as first table, this section.						

3.8.1.10 The Commercial Fishery for Black Sea Bass

Black sea bass were landed on an average 2,157 trips per year in 2003-2007, with landings of 540,000 pounds ($937,000 in 2007 dollars; trips with landings of at least one pound of black sea bass, Table 3-24). Landings of other species on the same trips, 4.0 million pounds, brought trip revenue to $4.5 million in 2007 dollars. The landings of black sea bass accounted for 9.8% of the $9.6 million of the ex-vessel value for all logbook-reported landings of all species/trips by 237 boats. Of the 237 boats, 181 of them landed 1,000 pounds or less of black sea bass per year and 23 of them landed more than 5,000 pounds.

Table 3-24. Annual landings, dockside revenues and fishing effort, trips and boats with landings of at least one pound of black sea bass, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb black sea bass	2,238	2,372	2,056	2,172	1,949	2,157
Black sea bass, thousand pounds	597	707	460	527	409	540
Black sea bass, thousand current $	$916	$842	$571	$988	$1,089	$881
Black sea bass, thousand 2007 $	$1,033	$927	$611	$1,020	$1,097	$937
Dockside price, current $ / pound	$1.53	$1.19	$1.24	$1.87	$2.66	$1.63
All species, same trips, 1,000 lbs	4,189	4,616	4,441	4,508	4,805	4,512
All species, same trips, 1,000 2007 $	$4,411	$4,643	$4,358	$4,549	$4,594	$4,511
Boat rev, all sp/trips, 1,0000 2007 $	$8,835	$8,961	$9,116	$9,569	$11,441	$9,584
Boats that landed black sea bass	225	243	240	220	256	237
	Number of boats according to landings of black sea bass					
1-100 lbs per boat per year	84	86	104	87	134	99
101-1,000 lbs per boat per year	85	93	81	81	72	82
1,001-5,000 lbs per boat per year	35	34	36	31	27	33
5,001-10,000 lbs per boat per year	7	12	7	6	11	9

More than 10,000 lbs per boat / year	14	18	12	15	12	14
Source: Same as first table, this section.						

Black sea bass was the top source of revenue for 765 trips on average in 2003-2007, and a lesser source on 1,392 trips (Table 3-25 and Table 3-26). On the 765 trips for which it was the top source of revenue, black sea bass accounted for 489,000 pounds of landings ($855,000 in 2007 dollars), and other species accounted for 54,000 pounds ($68,000 in 2007 dollars). These 765 trips accounted for 35% of the total, 91% of the landings, and 97% ex-vessel value.

Table 3-25. Annual landings and dockside revenues on trips with black sea bass as the top source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb black sea bass	858	889	620	811	649	765
Boats	86	94	83	85	88	87
Black sea bass, thousand pounds	546	637	403	482	378	489
Black sea bass, thousand 2007 $	$948	$827	$539	$936	$1,023	$855
Other species, same trips, 1,000 lbs	51	57	38	69	57	54
Other sp, same trips, 1,000 2007 $	$62	$66	$43	$94	$76	$68
Source: Same as first table, this section.						

Table 3-26. Annual landings and dockside revenues on trips with black sea bass as a lesser source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb black sea bass	1,380	1,483	1,436	1,361	1,300	1,392
Boats	195	217	216	194	233	211
Black sea bass, thousand pounds	51	70	57	45	31	51
Black sea bass, thousand 2007 $	$85	$99	$73	$84	$74	$83
Other species, same trips, 1,000 lbs	1,446	1,721	1,674	1,498	1,408	1,549
Other sp, same trips, 1,000 2007 $	$3,316	$3,651	$3,704	$3,436	$3,422	$3,506
Source: Same as first table, this section.						

For the 1,392 trips for which it was a lesser source of revenue, landings of black sea bass came to 51,000 pounds ($83,000 in 2007 dollars), compared with 1.5 million pounds for other species ($3.5 million). Among South Atlantic states, black sea bass is landed primarily in North Carolina and South Carolina (Table 3-27). The species is landed mostly with black sea bass pots and vertical lines are a distant second.

Table 3-27. Annual landings of black sea bass for trips with at least one pound of black sea bass, by region and primary gear, 2003-2007, landings in thousand pounds whole weight.

Landing region or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	476	485	324	421	271	395
South Carolina	112	210	120	94	128	133
Georgia and northeast Florida	4	7	8	6	5	6
Central and southeast Florida	4	5	9	7	4	6
Florida Keys			0		0	0
Vertical lines	70	85	63	58	44	64
Traps	521	617	390	466	362	471
Diving gear	0	1	0	0	0	0

Other gear	6	5	6	3	2	4
Source: Same as first table, this section.						

3.8.1.11 The Commercial Fishery for Red Grouper

Red grouper were landed on an average of 2,725 trips per year in 2003-2007, with landings amounting to 319,000 pounds and an ex-value of $787,000 in 2007 dollars (data for trips with landings of at least one pound of red grouper, Table 3-28). Landings of other species on these trips came to 2.7 million pounds, and brought trip revenue to $6.9 million. The landings of red grouper accounted for 6.4% of the $12.3 million of the ex-vessel value for all logbook-reported

Table 3-28. Annual landings, dockside revenue and fishing effort, trips and boats with landings of at least one pound of red grouper, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb red grouper	2,840	2,670	2,558	2,522	3,035	2,725
Red grouper, thousand pounds	282	245	202	316	551	319
Red grouper, thousand current $	$614	$493	$444	$773	$1,440	$753
Red grouper, thousand 2007 $	$692	$542	$471	$793	$1,436	$787
Dockside price, current $ / pound	$2.18	$2.01	$2.20	$2.45	$2.62	$2.36
All species, same trips, 1,000 lbs	2,806	2,810	2,862	3,012	3,707	3,039
All sp, same trips, 1,000 2007 $	$6,132	$5,994	$6,333	$6,922	$9,121	$6,900
Boat rev, all sp/trips, 1,000 2007$	$12,307	$11,646	$11,709	$11,351	$14,284	$12,259
Boats that landed red grouper	461	420	389	347	391	402
	Number of boats according to landings of red grouper					
1-100 lbs per boat per year	232	217	197	183	182	202
101-1,000 lbs per boat per year	158	137	134	94	114	127
1,001-5,000 lbs per boat per year	59	56	53	51	56	55
5,001-10,000 lbs per boat per year	9	9	5	16	23	12
More than 10,000 lbs per boat / year	3	1	0	3	16	5
Source: Same as first table, this section.						

landings of species/trips by 402 boats. Of the 402 boats, 329 landed 1,000 pounds or less per year and 17 of them landed more than 5,000 pounds.

Red grouper was the top source of revenue for 486 trips on average in 2003-2007, and a lesser source on 2,239 trips (Table 3-29 and Table 3-30). On the 486 trips for which it was the top source of revenue, red grouper accounted for 136,000 pounds of landings (ex-vessel value of $337,000 in 2007 dollars), and other species accounted for 142,000 pounds. These 486 trips accounted for 43% of the totals for the landings and ex-vessel value for red grouper (Table 3-28). For the 2,239 trips for which it was a lesser source of revenue, landings of red grouper came to 183,000 pounds, compared with 2.6 million pounds for other species.

Table 3-29. Annual landings and dockside revenues on trips with red grouper as the top source of trip revenue, 2003-2007.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb red grouper	476	388	304	430	830	486
Boats	175	143	117	119	157	142
Red grouper, thousand pounds	105	88	49	128	308	136

Red grouper, thousand 2007 $	$256	$191	$115	$322	$803	$337
Other species, same trips, 1,000 lbs	110	109	55	162	275	142
Other sp, same trips, 1,000 2007 $	$247	$221	$109	$343	$637	$311
Source: Same as first table, this section.						

Table 3-30. Annual landings and dockside revenues on trips with red grouper as a lesser source of trip revenue, 2003-2007.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb of red grouper	2,364	2,282	2,254	2,092	2,205	2,239
Boats	431	399	368	326	365	378
Red grouper, thousand pounds	176	158	153	188	243	183
Red grouper, thousand 2007 $	$436	$350	$356	$471	$633	$449
Other species, same trips, 1,000 lbs	2,415	2,455	2,605	2,534	2,881	2,578
Other sp, same trips, 1,000 2007 $	$5,193	$5,232	$5,753	$5,786	$7,048	$5,803
Source: Same as first table, this section.						

Table 3-31. Annual landings of red grouper for trips with at least one pound of red grouper, by region and primary gear, 2003-2007, landings in thousand pounds, whole weight.

Landing region or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	171	139	120	202	374	201
South Carolina	52	49	41	85	142	74
Georgia and northeast Florida	11	9	9	7	9	9
Central and southeast Florida	10	8	7	7	9	8
Florida Keys	38	41	26	15	16	27
Vertical lines	268	223	191	309	540	306
Diving gear	7	7	7	4	8	7
Other gear	6	15	3	3	3	6
Source: Same as first table, this section.						

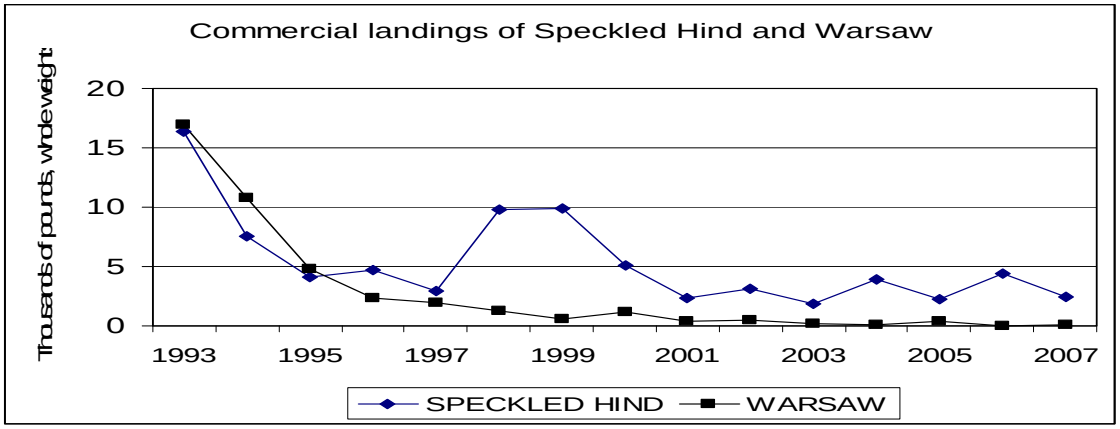
3.8.1.12 The Commercial Fisheries for Speckled Hind and Warsaw Grouper

There are no directed commercial fisheries for speckled hind and warsaw grouper. In 1993, commercial fishermen landed 16,300 pounds of speckled hind worth $28,600, and 17,000 pounds of warsaw grouper worth $23,800. Landings of both species have declined since then (Figure 3-13), as Amendment 6 to the Snapper Grouper FMP prohibited their sale in mid-1994. There is a one-fish possession limit for each species, presumably for home consumption since these deep-water groupers probably would not survive if released after being caught. Although fishermen are instructed not to report fish landed for personal use, small quantities of both species were reported in logbooks. It is unclear if these quantities were for personal use or were sold. On average from 2003-2007, 3,000 pounds of speckled hind were landed per year by 32 boats (Table 3-32). Speckled hind was not the top revenue species on 73 of the 74 trips on which it was harvested.

The average 74 recorded trips per year that harvested speckled hind brought in $200,000 for the 90,000 pounds of all species landed, while the average 32 boats per year that harvested speckled hind brought in $1.6 million for all logbook-reported trips/species landed (Table 3-32 and Table 3-33). Speckled hind are caught most commonly in the Carolinas and Florida Keys with vertical

hook-and-line gear on trips for vermilion snapper, red grouper and scamp. Warsaw grouper was reported on only nine trips between 2003 and 2007.

Figure 3-13 Commercial landings of speckled hind and warsaw Grouper, 1993-2007



Source: NOAA Fisheries Service, Southeast Fisheries Science Center logbook database as of September 22, 2008.

Table 3-32. Annual landings, dockside revenues and fishing effort, trips and boats with landings of at least one pound of speckled hind, 2003-2007, landings in whole weight

Item	2003	2004	2005	2006	2007	Ave
Trips with at least one lb of speckled hind	77	65	70	77	79	74
Speckled hind, thousand pounds	1.9	3.9	2.2	4.4	2.5	3.0
Speckled hind, thousand current $	$3.3	$7.1	$4.2	$9.9	$6.1	$6.1
Speckled hind, thousand 2007 $	$3.7	$7.7	$4.5	$10.1	$6.1	$6.4
Price, current $ / pound	$1.74	$1.82	$1.91	$2.25	$2.44	$2.05
All species, same trips, 1,000 lbs	82	64	103	116	87	90
All species, same trips, 2007 $	$177	$135	$218	$263	$206	$200
Boat rev, all sp/trips, 1,000 2007 $	$1,540	$1,335	$1,894	$1,812	$1,433	$1,603
Boats that landed speckled hind	33	33	34	31	27	32
	Number of boats according to landings of speckled hind					
1-100 lbs per boat per year	26	28	30	26	22	26
More than 100 lbs per boat per year	7	5	4	5	5	5

Source: Same as first table, this section.

Table 3-33. Annual landings and dockside revenue on trips with trips on which speckled hind was harvested but was not the top revenue species, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips	77	64	70	77	79	73
Boats	33	32	34	31	27	31
Speckled hind, thousand pounds	1.9	3.9	2.2	4.4	2.5	3.0
Speckled hind, thousand 2007$	$3.7	$7.6	$4.5	$10.1	$6.1	$6.4
Other species, same trips, 1,000 lbs	80	60	101	111	84	87
Other species, same trips, 1,000 2007$	$173	$127	$214	$253	$200	$194

Source: Same as first table, this section.

3.8.1.13 The Commercial Fishery for Golden Tilefish

Golden tilefish were landed on an average of 402 trips per year during 2003-2007, with average annual landings of 330,000 pounds valued at $721,000 (2007 dollars; Table 3-34). Adding the landings of other species on these trips (227,000 pounds and $384,000), these trips had an annual average ex-vessel value of $1.1 million. On average 64 boats landed at least one pound of golden tilefish in 2003-2007, and the ex-vessel value of all of their logbook-reported landings for all species/trips was approximately $2.6 million (2007 dollars). Forty of the 64 boats landed 1,000 pounds or less of golden tilefish per year and 11 landed more than 5,000 pounds.

Golden tilefish was the top source of revenue for 283 trips on average per year during 2003-2007, and was not the top source of revenue on an average of 119 trips per year (Table 3-35 and Table 3-36). On the 283 trips for which it was the top source of revenue, golden tilefish accounted for and average of 303,000 pounds valued at $667,000 (2007 dollars), while all other species accounted for 73,000 pounds valued at $106,000. For the 119 trips where golden tilefish was not the top revenue species, landings of golden tilefish averaged 27,000 pounds per year, compared to 153,000 pounds for all other species. Golden tilefish were landed primarily in central-southeast Florida and harvested primarily with longline gear (Table 3-37).

Table 3-34. Annual landings, dockside revenues and fishing effort, trips and boats with landings of at least one pound of golden tilefish, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least one lb golden tilefish	391	336	359	331	593	402
Golden tilefish, thousand pounds	344	272	307	410	320	330
Golden tilefish, thousand current $	$658	$511	$664	$827	$748	$682
Golden tilefish, thousand 2007 $	$741	$561	$702	$849	$753	$721
Dockside price, current $ / pound	$1.92	$1.88	$2.17	$2.02	$2.34	$2.06
All sp, same trips, 1,000 lbs	686	504	497	691	408	557
All sp, same trips, 1,000 2007 $	$1,287	$930	$1,068	$1,336	$905	$1,105
Boat rev, all sp/trips, 1,000 2007$	$2,668	$2,264	$2,627	$2,801	$2,578	$2,588
Boats that landed golden tilefish	63	65	65	60	65	64
	Number of boats according to landings of golden tilefish					
1-100 lbs per boat per year	23	20	16	25	18	20
101-1,000 lbs per boat per year	21	21	25	16	19	20
1,001-5,000 lbs per boat per year	3	13	16	9	18	12
More than 5,000 lbs per boat / year	15	11	8	10	10	11

Source: Same as first table, this section.

Table 3-35. Annual landings and dockside revenues on trips on which golden tilefish was harvested but was not the top revenue species, 2003-2007.

Item	2003	2004	2005	2006	2007	Ave
Trips with at least one lb golden tilefish	240	233	247	216	481	283
Boats	40	43	45	33	47	42
Golden tilefish, 1,000 lbs	307	243	276	378	312	303
Golden tilefish, 1,000 2007 $	$671	$505	$639	$786	$735	$667
Other sp, same trips, 1,000 lbs	140	81	40	78	27	73
Other sp, same trips, 1,000 2007$	$188	$116	$64	$123	$40	$106

Source: Same as first table, this section.

Table 3-36. Annual landings and dockside revenues on trips with golden tilefish as a lesser source of trip revenue, 2003-2007.

Item	2003	2004	2005	2006	2007	Ave
Trips with at least one lb golden tilefish	151	103	112	115	112	119
Boats	50	45	46	45	39	45
Golden tilefish, 1,000 lbs	36	30	30	32	7	27
Golden tilefish, 1,000 2007 $	$70	$56	$63	$63	$18	$54
Other sp, same trips, 1,000 lbs	203	150	150	203	61	153
Other sp, same trips, 1,000 2007 $	$357	$253	$301	$365	$112	$278

Source: Same as first table, this section.

Table 3-37. Annual landings of golden tilefish for trips with at least one pound of golden tilefish, by region and primary gear, 2003-2007.

Region of landing or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	17	40	1	2	2	12
South Carolina	128	105	62	122	27	89
Georgia & northeast Florida			0		0	0
Central-southeast Florida	191	126	240	283	289	226
Florida Keys	8	1	4	2	1	3
Vertical lines	18	25	38	35	44	32
Long lines	325	248	267	372	275	297
Other	0	0	2	2	1	1

Source: Same as first table, this section..

3.8.1.14 The Commercial Fishery for Snowy Grouper

Snowy grouper were landed on an average of 1,057 trips per year during 2003-2007, with total average annual landings of 230,000 pounds valued at $619,000 (2007 dollars; Table 3-38). Average annual landings of all other species on these trips came to 1.2 million pounds valued at $2.9 million. Snowy grouper accounted for 7.3% of the $8.4 million for logbook-reported landings of all species/trips by boats that harvested snowy grouper (Table 3-38). Snowy grouper were landed by an average of 160 boats in 2003-2007, and 117 of these boats landed 1,000 pounds or less per year while 13 landed more than 5,000 pounds per year.

On the average annual 387 trips per year where snow grouper was the top source of revenue, snowy grouper accounted for 170,000 pounds valued at $455,000 (2007 dollars), while all other species accounted for 149,000 pounds valued at $234,000 (Table 3-39). These 387 trips accounted for 37% of the total number of trips with snowy grouper landings, and 74% of the snowy grouper landings and ex-vessel value. Of the average annual 607 trips on which snowy grouper was harvested but was not the top revenue species, total average annual landings of snowy grouper were approximately 61,000 pounds, compared with 1.0 million pounds for all other species. (Table 3-40). During 2003-2007, snowy grouper was landed mostly in the Carolinas, central-southeast Florida, and the Florida Keys (Table 3-41).

Table 3-38. Annual landings, dockside revenues and fishing effort, trips and boats with landings of at least one pound of snowy grouper, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Average
Trips with at least 1 lb snowy grouper	1,342	1,060	979	820	1,084	1,057
Snowy grouper, thousand pounds	284	240	248	258	123	230
snowy grouper, thousand current $	$642	$577	$605	$703	$373	$580
Snowy grouper, thousand 2007 $	$723	$634	$643	$721	$373	$619
Dockside price, current $ / pound	$2.26	$2.41	$2.44	$2.73	$3.03	$2.52
All species, same trips, 1,000 lbs	1,683	1,398	1,348	1,324	1,216	1,394
All species, same trips, 1,000 2007 $	$3,209	$2,820	$2,837	$2,857	$2,894	$2,923
Boat revenue, all sp/trips, 1,000 2007 $	$8,399	$8,359	$8,575	7903	$8,841	$8,415
Boats that landed snowy grouper	189	167	163	132	147	160
	Boats according to landings of snowy grouper					
1-100 lbs per boat per year	61	52	54	39	58	53
101-1,000 lbs per boat per year	70	67	70	50	62	64
1,001-5,000 lbs per boat per year	44	30	26	28	23	30
5,001-10,000 lbs per boat per year	7	13	8	5	2	7
More than 10,000 lbs per boat per year	7	5	5	10	2	6

Source: Same as first table, this section.

Table 3-39. Annual landings and dockside revenues on trips with snowy grouper as the top source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Ave
Trips with at least 1 lb snowy grouper	540	441	438	366	149	387

Boats	108	95	86	69	59	83
Snowy grouper, 1,000 pounds	201	178	192	202	74	170
Snowy grouper, 1,000 2007 $	$511	$471	$501	$566	$226	$455
Other sp, same trips, 1,000 lbs	190	150	164	182	57	149
Other sp, same trips, 1,000 2007$	$292	$238	$273	$281	$89	$234
Source: Same as first table, this section.						

Table 3-40. Annual landings and dockside revenues on trips with snowy grouper as a lesser source of trip revenue, 2003-2007, landings in whole weight.

Item	2003	2004	2005	2006	2007	Ave
Trips with at least 1 lb snowy grouper	802	619	541	454	621	607
Boats	168	141	137	112	135	139
Snowy grouper, 1,000 pounds	83	62	55	56	49	61
Snowy grouper, 1,000 2007 $	$211	$164	$142	$155	$147	$164
Other sp, same trips, 1,000 lbs	1,210	1,008	936	885	1,036	1,015
Other sp, same trips, 1,000 2007$	$2,194	$1,948	$1,920	$1,855	$2,433	$2,070
Source: Same as first table, this section.						

Table 3-41. Annual landings of snowy grouper for trips with at least one pound of snowy grouper, by region and primary gear, 2003-2007, landings in thousand pounds, whole weight.

Landing region or primary gear	2003	2004	2005	2006	2007	Average
North Carolina	95	90	81	91	47	81
South Carolina	94	65	86	95	13	71
Georgia and northeast Florida	9	6	4	3	3	5
Central and southeast Florida	36	28	25	15	15	24
Florida Keys	50	51	52	54	46	51
Vertical lines	197	176	185	188	117	173
Other gear	87	64	62	69	6	58
Source: Same as first table, this section.						

3.8.1.15 Imports

Imports have been a major source of seafood supply in the United States, and the domestic snapper grouper market is not an exception. During 2003-2007, imports of fresh and frozen snappers and groupers remained at relatively high levels, averaging 48 million pounds, product weight, a year (Table 3-42). By way of comparison, the average logbook-reported landings of snapper grouper caught in South Atlantic waters were 7.8 million pounds, whole weight. The dominance of imports in the snapper grouper market may be expected to exert limits on the movement of domestic ex-vessel prices resulting from changes in domestic landings of snappers and groupers.

Table 3-42. U.S. imports of snapper and grouper (product weight)

	Fresh snapper & grouper		Frozen snapper & grouper		Total	
Year	Million pounds	Million 2007$	Million pounds	Million 2007$	Million pounds	Million 2007$

2003	34	66	10	16	44	82
2004	33	68	10	15	43	83
2005	36	76	14	22	50	99
2006	35	81	13	24	49	104
2007	38	87	14	26	52	113
Ave	35	76	12	21	48	96
Source: NOAA Fisheries, Foreign trade data base; see footnote, first table in this section.						

3.8.2 Economic Description of the Recreational Fishery

Additional information on the recreational snapper grouper fishery is contained in previous amendments [Amendment 13C (SAFMC 2006), Amendment 15A (SAFMC 2007), Amendment 15B (SAFMC 2008), and Amendment 16 (SAFMC 2008)] and is incorporated herein by reference.

The South Atlantic recreational fishery is comprised of the private sector and for-hire sector. The private sector includes anglers fishing from shore (all land-based structures) and private/rental boats. The for-hire sector is composed of the charterboat and headboat (also called party boat) sectors. Charterboats generally carry fewer passengers and charge a fee on an entire vessel basis, whereas headboats carry more passengers and payment is per person. The type of service, from a vessel- or passenger-size perspective, affects the flexibility to search different fishing locations during the course of a trip and target different species since larger concentrations of fish are required to satisfy larger groups of anglers.

3.8.2.1 Harvest

Recreational snapper grouper harvest in the South Atlantic has been variable during the period 2003-2008, averaging slightly below 11 million pounds (Table 3-43). On average, the private/shore mode of fishing accounted for the largest harvests at around 7.62 million pounds (MP). Well below this harvest level are those of the charter mode at 1.92 MP and headboat at 1.63 MP. Harvests in each state also fluctuated during the same period (Table 3-44). On average, Florida accounted for most of the snapper grouper harvest in the South Atlantic at around 6.90 MP, followed by North Carolina at 2.21 MP, South Carolina at 1.51 MP, and lastly by Georgia at 0.64 MP.

Table 3-43. Harvest of snapper grouper species by mode in the South Atlantic, 2003-2008.

Year	Charterboat[1]	Headboat[2]	Shore and Private/Rental Boat[1]	Total
2003	2,301,303	1,375,688	7,265,886	10,942,877
2004	1,517,384	1,889,010	6,688,596	10,094,990
2005	2,313,468	1,649,210	6,123,049	10,085,727
2006	1,998,902	1,648,405	7,282,328	10,929,635
2007	1,697,350	1,893,031	8,777,570	12,367,950

Year	Charterboat[1]	Headboat[2]	Shore and Private/Rental Boat[1]	Total
2008	1,720,683	1,306,996	9,572,258	12,601,945
Average	1,924,848	1,627,057	7,618,281	11,170,521

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab and MRFSS database, NOAA Fisheries, NMFS, SERO.

[1] Pounds of A and B1 fish estimated from the MRFSS Survey.

[2] The total annual estimate of headboat catch derived from data collected through the NMFS headboat survey.

Table 3-44. Harvest of snapper grouper species by state in the South Atlantic, 2003-2008.

Year	Florida	Georgia	South Carolina	North Carolina
2003	7,848,011	770,993	1,042,157	1,281,714
2004	5,970,816	763,609	1,625,212	1,735,353
2005	6,696,212	622,302	852,105	1,915,107
2006	6,474,221	746,982	1,466,944	2,241,489
2007	7,173,255	320,927	2,079,880	3,199,767
2008	7,262,726	490,209	1,980,075	2,866,928
Average	6,904,207	619,170	1,507,729	2,206,726

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab and MRFSS database, NOAA Fisheries, NMFS, SERO.

There are ten snapper grouper species most affected by this amendment. The distribution by mode of these ten species in the South Atlantic is presented in Table 3-45. Five species (black sea bass, gag, red grouper, vermilion snapper, red snapper) showed relatively large harvests over the 2003-2008 period. Black sea bass accounted for the largest harvest at an average of 0.78 MP, followed somewhat closely by gag at an average of 0.62 MP and vermilion snapper at an average of 0.60 MP. Except for golden tilefish, snowy grouper, speckled hind, and vermilion snapper, the shore and private mode of fishing dominated the harvest of the ten species. Charterboats dominated in the harvest of golden tilefish and snowy grouper while headboats dominated in the harvest of speckled hind and vermilion snapper. Headboats reported no landings of golden tilefish.

Table 3-46 presents the geographic distribution of the affected species. Florida registered harvests of all these species; Georgia did not show harvests of golden tilefish, snowy grouper, and black grouper; South Carolina did not show harvests of golden tilefish; and, North Carolina did not register any harvest of black grouper. With the exception of black sea bass, red grouper, and vermilion snapper, Florida dominated all other states in the harvest of the subject species. South Carolina was the dominant state in the harvest of black sea bass and vermilion snapper while North Carolina dominated in the harvest of red grouper.

Seasonal distribution of the affected species is presented in Table 3-47, with the monthly headboat data aggregated to match the MRFSS two-month wave. Except for golden tilefish and black grouper, the peak harvest period for the subject species was May-June. Golden tilefish

peaked in July-August while black grouper peaked in July-August or November-December. Seven species (golden tilefish, snowy grouper, black sea bass, gag, red grouper, vermilion snapper, and red snapper) had their lowest harvests in January-February. Speckled hind and Warsaw grouper had their lowest harvests in November-December while black grouper had its lowest harvests in March-April.

Table 3-45. South Atlantic average harvest (lbs) of 10 major species affected by this amendment, by mode, 2003-2008.

Species	Charterboat	Headboat	Shore and Private/Rental Boat	Total
Golden Tilefish	46,202	0	10,819	57,021
Snowy Grouper	44,614	585	2,123	47,322
Speckled Hind	864	1,291	79	2,235
Warsaw Grouper	3,207	1,168	11,708	16,082
Black Grouper	2,568	13,556	33,051	49,174
Black Sea Bass	93,691	164,465	525,001	783,157
Gag	101,539	64,547	456,471	622,558
Red Grouper	51,741	45,662	401,412	498,815
Vermilion Snap.	111,521	379,710	105,005	596,237
Red Snapper	109,882	62,432	230,733	403,048

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab and MRFSS database, NOAA Fisheries, NMFS, SERO.

Table 3-46. South Atlantic average harvest (lbs) of 10 major species affected by this amendment, by state, 2003-2008.

Species	Florida	Georgia	South Carolina	North Carolina
Golden Tilefish	3,522	0	0	53,499
Snowy Grouper	30,421	0	123	16,779
Speckled Hind	1,165	9	896	165
Warsaw Grouper	15,621	17	243	200
Black Grouper	49,082	0	93	0
Black Sea Bass	244,222	87,574	245,727	205,635
Gag	385,393	14,042	39,089	184,034
Red Grouper	128,496	50	8,143	362,127
Vermilion Snap.	183,484	45,941	231,503	135,308
Red Snapper	339,374	33,621	20,553	9,499

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab and MRFSS database, NOAA Fisheries, NMFS, SERO.

Table 3-47. South Atlantic average harvest (lbs) of 10 major species affected by this amendment, by two-month wave, 2003-2008.

Species	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sept-Oct	Nov-Dec
Golden Tilefish	0	843	19,878	31,938	4,362	0
Snowy Grouper	181	864	28,875	11,872	481	5,049
Speckled Hind	97	158	1,288	472	175	45
Warsaw Grouper	663	1,268	8,037	189	5,864	60
Black Grouper	9,616	3,080	6,800	13,069	3,176	13,433
Black Sea Bass	45,768	144,853	220,940	178,973	62,636	129,988
Gag	83,007	84,466	153,795	116,837	88,176	96,278
Red Grouper	17,380	77,091	199,260	105,223	62,412	37,449
Vermilion Snapper	28,129	84,106	190,469	159,457	85,613	48,463
Red Snapper	38,262	65,142	115,309	64,838	57,314	62,183

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab and MRFSS database, NOAA Fisheries, NMFS, SERO.

For the period 2003-2007, the ten major species described above accounted for about 26 percent of all recreational harvests of snapper grouper in the South Atlantic.

3.8.2.2 Effort

Recreational effort derived from the MRFSS database can be characterized in terms of the number of trips as follows:

1. Target effort - The number of individual angler trips, regardless of duration, where the intercepted angler indicated that the species or a species in the species group was targeted as either the first or the second primary target for the trip. The species did not have to be caught.
2. Catch effort - The number of individual angler trips, regardless of duration and target intent, where the individual species or a species in the species group was caught. The fish did not have to be kept.
3. Total recreational trips - The total estimated number of recreational trips in the South Atlantic, regardless of target intent or catch success.

Estimates of recreational effort for the entire snapper grouper fishery in the South Atlantic are provided in Table 3-48 for trips by mode and Table 3-49 for trips by state. The total column refers to the total number of snapper grouper angler trips by mode or by state and not to the sum of catch and target trips.

In the South Atlantic, total angler trips were highest for the private mode, followed by the shore mode, and then by the charter mode (Table 3-48). Average catch trips were highest on those taken through the private mode and lowest on those through the charter mode. The same is true with target trips: they were highest for private mode and lowest for charter mode. For the charter mode, target trips rose steadily through the years while catch trips fluctuated and peaked in 2007. Shore mode catch trips dropped from 2003 to 2004 but steadily increased thereafter to a peak in 2007; shore mode target trips fell from 2003 to 2005 and increased thereafter to a peak in 2007.

For the private mode, both catch and target trips fell in 2004 but increased thereafter, reaching a peak in 2007.

By far, Florida registered the highest total angler trips, followed in order by North Carolina, South Carolina, and Georgia (Table 3-49). The same pattern holds for catch trips but not quite for target trips, with South Carolina registering slightly higher target trips than North Carolina. For Florida, both catch and target trips fell in 2004, subsequently rose in the following years, and peaked in 2007. Georgia catch trips fluctuated between 2003 and 2006 and remained at relatively high levels in the last two years; target trips fell substantially in 2004, remained at low levels until 2007, and rose in 2008 to a level close to that in 2003. South Carolina catch trips fluctuated at relatively low levels between 2003 and 2005 but at higher levels in subsequent years; target trips fell in 2004 but subsequently rose to a peak in 2007. Catch trips in North Carolina steadily rose over the years and peaked in 2007; target trips, on the other hand, fluctuated throughout the period.

Table 3-48. Recreational effort for the snapper grouper fishery in the South Atlantic, in thousand trips, by mode, 2003-2008.

	Charter Mode Trips			Shore Mode Trips			Private Mode Trips		
	Catch	Target	Total	Catch	Target	Total	Catch	Target	Total
2003	117	24	412	982	247	6,493	2,026	687	9,963
2004	135	33	434	851	199	6,754	1,867	496	9,369
2005	127	32	508	924	192	7,009	2,055	517	10,073
2006	109	31	459	1,151	257	8,211	2,520	556	10,749
2007	136	47	501	1,308	297	7,983	3,163	783	13,137
2008	124	48	439	1,002	270	6,317	2,629	772	11,009
Avg.	125	36	459	1,036	244	7,128	2,377	635	10,717

Source: MRFSS database, NOAA Fisheries, NMFS, SERO.

Table 3-49. Recreational effort for the snapper grouper fishery in the South Atlantic, in thousand trips, by state, 2003-2008.

	Florida			Georgia			South Carolina			North Carolina		
	Catch	Target	Total	Catch	Target	Total	Catch	Target	Total	Catch	Target	Total
2003	2,716	761	11,444	92	46	971	141	95	2,098	175	56	2,354
2004	2,342	558	10,660	87	26	936	184	85	2,239	239	59	2,721
2005	2,595	607	12,049	96	26	851	143	58	2,083	272	48	2,607
2006	3,126	627	13,115	66	28	790	214	133	2,629	374	56	2,885
2007	3,780	876	15,169	117	26	926	295	140	2,529	416	86	2,996
2008	2,947	841	11,215	226	42	1,282	246	134	2,528	336	73	2,740
Avg.	2,918	712	12,275	114	32	959	204	108	2,351	302	63	2,717

Source: MRFSS database, NOAA Fisheries, NMFS, SERO.

Estimates of recreational effort for the ten major species affected by this amendment are provided in Table 3-50 for trips by mode and Table 3-51 for trips by state. The total column refers to the total number of angler trips by mode or by state and not to the sum of catch trips and target trips.

In terms of total angler trips, the shore mode dominated all other modes for trips catching and/or targeting any of the ten major species in this amendment (Table 3-50). In terms of target trips, the private mode dominated the other two fishing modes in all ten species. The charter mode dominated the other two modes in terms of catch trips. Catch trips were highest for black sea bass across all modes. Target trips, on the other hand, varied by mode: black sea bass was highest for charter and private modes while red snapper was highest for the shore mode. The charter mode showed no target trips for speckled hind, Warsaw grouper, black grouper, and red grouper. The shore mode registered no catch trips for golden tilefish, snowy grouper, and Warsaw grouper as well as no target trips for speckled hind, snowy grouper, speckled hind, Warsaw grouper, and vermilion snapper. The private mode showed no target trips for speckled hind and Warsaw grouper.

There are also observable regional variations in catch and target trips for the ten major species (Table 3-51). In both catch and target trips, Florida dominated all other states for most species. An exception is with respect to black seas bass in which South Carolina registered higher target trips than any other states, although Florida still registered the highest catch trips for this species. Florida showed no target trips for speckled hind and Warsaw grouper. Georgia showed catch trips for golden tilefish, snowy grouper, speckled hind, Warsaw grouper, black grouper, and red grouper and no catch trips for all species except black sea bass and red snapper. South Carolina showed no catch and target trips for golden tilefish, snowy grouper, speckled hind, and Warsaw grouper; it also showed no target trips for red grouper. North Carolina registered no catch and target trips for speckled hind, Warsaw grouper, and black grouper; it also showed no target trips for snowy grouper and red snapper.

The seasonal distribution of recreational effort for the six major species in this amendment is presented in Table 3-52 (catch trips) and Table 3-53 (target trips). The peak period for catch trips matched with peak harvests for all species, except snowy grouper, black sea bass, and vermilion snapper. Catch trips for snowy grouper, vermilion snapper and black sea bass peaked in July-August, whereas harvests of these species peaked in May-June. For target trips, the match between peak trips and peak harvests occurred with vermilion snapper, black sea bass, black grouper, and red grouper. Peak target trips for golden tilefish occurred in September-October while peak harvests for these species occurred in different periods. Peak target trips for gag and red snapper occurred in June-July, whereas peak harvests for these two species occurred in May-June.

Table 3-50. South Atlantic average recreational effort for 10 major species affected by this amendment, in thousand trips, by mode, 2003-2008.

	Charter Mode Trips			Shore Mode Trips			Private Mode Trips		
Species	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**
Golden Tilefish	2.6	0.2	458.8	0.0	0.0	7,127.8	1.5	0.4	10,716.6
Snowy Grouper	2.2	0.2	458.8	0.0	0.0	7,127.8	1.9	0.3	10,716.6
Speckled Hind	0.1	0.0	458.8	0.2	0.0	7,127.8	1.3	0.0	10,716.6
Warsaw	0.2	0.0	458.8	0.0	0.0	7,127.8	1.1	0.0	10,716.6

	Charter Mode Trips			Shore Mode Trips			Private Mode Trips		
Species	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**
Grouper									
Black Grouper	0.8	0.0	458.8	0.8	0.1	7,127.8	14.3	3.4	10,716.6
Black Sea Bass	35.0	3.7	458.8	40.6	0.9	7,127.8	490.8	45.7	10,716.6
Gag Grouper	7.6	1.8	458.8	9.8	1.7	7,127.8	99.7	37.4	10,716.6
Red Grouper	9.3	0.0	458.8	1.5	0.4	7,127.8	59.1	3.6	10,716.6
Vermilion Snapper	27.6	0.8	458.8	0.9	0.0	7,127.8	58.6	2.2	10,716.6
Red Snapper	14.7	3.1	458.8	1.5	3.5	7,127.8	72.3	43.7	10,716.6

Source: MRFSS database, NOAA Fisheries, NMFS, SERO.

Table 3-51. South Atlantic average recreational effort for 10 major species affected by this amendment, in thousand trips, by state, 2003-2008.

	Florida			Georgia			South Carolina			North Carolina		
Species	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**	**Catch**	**Target**	**Total**
Golden Tilefish	1.1	0.4	12,275.4	0.0	0.0	959.5	0.0	0.0	2,351.0	3.0	0.2	2,717.2
Snowy Grouper	2.7	0.6	12,275.4	0.0	0.0	959.5	0.0	0.0	2,351.0	1.5	0.0	2,717.2
Speckled Hind	1.5	0.0	12,275.4	0.0	0.0	959.5	0.0	0.0	2,351.0	0.0	0.0	2,717.2
Warsaw Grouper	1.3	0.0	12,275.4	0.0	0.0	959.5	0.0	0.0	2,351.0	0.0	0.0	2,717.2
Black Grouper	15.7	3.6	12,275.4	0.0	0.0	959.5	0.2	0.0	2,351.0	0.0	0.0	2,717.2
Black Sea Bass	197.7	12.0	12,275.4	43.4	5.7	959.5	143.9	23.1	2,351.0	181.4	9.6	2,717.2
Gag Grouper	93.1	38.6	12,275.4	3.0	0.0	959.5	5.1	1.3	2,351.0	15.8	1.0	2,717.2
Red Grouper	52.6	3.5	12,275.4	0.0	0.0	959.5	0.8	0.0	2,351.0	16.4	0.4	2,717.2
Vermilion Snapper	59.2	1.7	12,275.4	6.0	0.0	959.5	10.5	1.1	2,351.0	11.4	0.3	2,717.2
Red Snapper	78.6	46.2	12,275.4	6.2	1.7	959.5	2.7	2.3	2,351.0	1.0	0.0	2,717.2

Source: MRFSS database, NOAA Fisheries, NMFS, SERO.

Table 3-52. South Atlantic average catch trips (all modes) for the 10 major species affected by this amendment, by two-month wave, 2003-2008.

Species	**Jan-Feb**	**Mar-Apr**	**May-Jun**	**Jul-Aug**	**Sept-Oct**	**Nov-Dec**
Golden Tilefish	0.4	0.0	1.0	2.1	0.6	0.0

Species	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sept-Oct	Nov-Dec
Snowy Grouper	0.7	0.2	0.8	1.2	0.9	0.5
Speckled Hind	0.2	0.3	0.1	0.6	0.0	0.3
Warsaw Grouper	0.0	0.1	0.4	0.0	0.4	0.3
Black Grouper	2.5	2.0	3.0	2.9	1.9	3.6
Black Sea Bass	27.2	70.4	138.1	148.1	103.0	79.7
Gag	15.3	15.8	19.5	17.6	24.1	24.9
Red Grouper	10.3	10.7	17.3	11.1	8.3	12.3
Vermilion Snapper	8.7	15.1	19.5	22.6	12.5	8.7
Red Snapper	9.5	15.7	18.8	17.9	13.1	13.6

Source: MRFSS database, NOAA Fisheries, NMFS, SERO.

Table 3-53. South Atlantic average target trips (all modes) for the 10 major species affected by this amendment, by two-month wave, 2003-2008.

Species	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sept-Oct	Nov-Dec
Golden Tilefish	0.3	0.0	0.1	0.1	0.2	0.0
Snowy Grouper	0.0	0.0	0.1	0.1	0.3	0.0
Speckled Hind	0.0	0.0	0.0	0.0	0.0	0.0
Warsaw Grouper	0.0	0.0	0.0	0.0	0.0	0.0
Black Grouper	0.5	0.5	0.8	0.7	0.3	0.8
Black Sea Bass	3.0	11.8	12.5	8.6	6.0	8.3
Gag	6.5	8.4	7.3	8.9	3.4	6.3
Red Grouper	0.5	0.4	1.1	0.6	0.4	0.9
Vermilion Snapper	0.7	0.6	0.9	0	0.4	0.4
Red Snapper	4.0	10.3	10.2	12.0	6.7	7.1

Source: MRFSS database, NOAA Fisheries, NMFS, SERO.

Similar analysis of recreational effort is not possible for the headboat sector since data are not collected at the angler level. Estimates of effort in the headboat sector are provided in terms of angler days, or the number of standardized 12-hour fishing days that account for the different half-, three-quarter-, and full-day fishing trips by headboats. Despite the inability to associate headboat effort with specific species, the stationary bottom nature of headboat fishing, as opposed to trolling, suggests that most headboat trips and, hence, angler days, are snapper grouper trips by intent, though not necessarily successful.

The state-by-state distribution of headboat angler days is presented in Table 3-54. Due to very low headboat angler days for Georgia, entries for Georgia are combined with those of Florida. For the period 2003-2008, total headboat angler days fluctuated around the mean of 230,878 days. On average, Florida accounted for the largest number of angler days (157,764), or about 68 percent of all headboat angler days. Nevertheless, the numbers for South Carolina (47,524 days) and North Carolina (25,591 days) are far from being negligible.

The seasonal distribution of headboat angler days is presented in Table 3-55. The peak for angler days consistently occurred in July-August each year. The troughs occurred in the last two months of the year, except for 2004 and 2008 when troughs occurred in September-October.

Table 3-54. South Atlantic headboat angler days, 2003-2008.

	Florida	South Carolina	North Carolina	Total
2003	145,011	36,556	22,998	204,565
2004	173,701	50,461	27,255	251,417
2005	171,078	34,036	31,573	236,687
2006	175,522	56,074	25,736	257,332
2007	157,150	60,729	29,002	246,881
2008	124,119	47,287	16,982	188,388
Average	157,764	47,524	25,591	230,878

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab.

Table 3-55. South Atlantic headboat angler days, by two-month wave, 2003-2008.

	Jan-Feb	**Mar-Apr**	**May-Jun**	**Jul-Aug**	**Sept-Oct**	**Nov-Dec**
2003	21,805	36,363	48,210	59,982	22,431	15,774
2004	27,593	45,468	59,144	70,141	22,811	26,260
2005	27,672	41,799	54,892	70,369	21,390	20,565
2006	27,432	48,572	60,525	73,413	29,344	18,046
2007	24,285	41,464	57,268	75,900	27,029	20,935
2008	21,587	36,634	49,223	51,635	13,768	15,541
Average	25,062	41,717	54,877	66,907	22,796	19,520

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab.

3.8.2.3 Permits

For-hire vessels in the South Atlantic are required to have a snapper grouper for-hire permit to fish for or possess snapper grouper species in the EEZ. The number of permitted vessels for the period 2003-2005 is provided in Table 3-56. This sector operates as an open access fishery and not all permitted vessels are necessarily active in the fishery. Some vessel owners have been known to purchase open access permits as insurance for uncertainties in the fisheries in which they currently operate.

The number of for-hire permits issued in the South Atlantic snapper grouper fishery increased over the period 2003-2007, from 1,477 permits in 2003 to 1,754 permits in 2007. Most of the increases would likely be for strictly for-hire business, since permits issued for vessels operating as for-hire and commercial entities remained about flat from 2005 to 2006 and fell in 2007. The

majority of snapper grouper for-hire permitted vessels were home-ported in Florida; a good number of vessels were also home-ported in North Carolina and South Carolina. Interestingly, there were several vessels with homeports in states other than those within the South Atlantic Council's area of jurisdiction. Most of the vessels with both for-hire and commercial permits were home-ported in the South Atlantic Council's area of jurisdiction.

The for-hire permit does not distinguish between whether the vessel operates as a charterboat or headboat. Based on a 1997 survey, Holland *et al.* (1999) estimated that a total of 1,080 charter vessels and 96 headboats supplied for-hire services in all South Atlantic fisheries during 1997.

Table 3-56. South Atlantic snapper grouper for-hire permit holders by home port state, 2003-2008.

	Number of vessels issued for-hire vessel permits							**Number of vessels with both a for-hire permit and a commercial snapper grouper permit**						
Home Port State	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**Avg.**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**Avg.**
Florida	957	1,084	1,119	1,108	1,140	1,125	**1,115**	148	151	148	151	122	128	**141**
North Carolina	206	232	254	284	315	342	**272**	45	42	43	46	40	43	**43**
South Carolina	122	108	121	119	129	140	**123**	34	33	33	34	24	25	**31**
Georgia	36	27	33	33	30	27	**31**	4	2	2	2	3	4	**3**
Virginia	5	13	10	10	8	18	**11**		4	3	2		0	**2**
Other States	69	48	51	62	69	85	**64**	8	3	5	3	2	3	**4**
Gulf States	82	82	79	65	63	74	**74**							
Total	**1,477**	**1,594**	**1,667**	**1,681**	**1,754**	**1,811**	**1,690**	**239**	**235**	**234**	**238**	**191**	**203**	**224**

Source: Southeast Permits Database, NOAA Fisheries, SERO.

3.8.2.4 Economic Value, Expenditures, and Economic Impacts

Participation, effort, and harvest are indicators of the value of saltwater recreational fishing. However, a more specific indicator of value is the satisfaction that anglers experience over and above their costs of fishing. The monetary value of this satisfaction is referred to as consumer surplus. The value or benefit derived from the recreational experience is dependent on several quality determinants, which include fish size, catch success rate, and the number of fish kept. These variables help determine the value of a fishing trip and influence total demand for recreational fishing trips.

Estimates of the economic value of a day of saltwater recreational fishing in the South Atlantic indicate that the mean value of access per marine recreational fishing trip is $109.31 for the South Atlantic (Haab *et al.* 2001). While this estimate is not specific to snapper grouper fishing trips, it may shed light on the magnitude of an angler's willingness to pay for this type of recreational experience.

Willingness to pay for an incremental increase in catch and keep rates per trip was also estimated to be $3.01 for bottom fish species by Haab *et al.* (2001). Whitehead *et al.* (2001) estimated the marginal willingness to pay to avoid a one fish red snapper bag limit decrease to be $1.06 to $2.20. Finally, Haab *et al.* (2001) provided a compensating variation (the amount of money a person would have to receive to be no worse off after a reduction of the bag limit) estimate of $2.49 per fish when calculated across all private boat anglers that targeted snapper grouper species in the South Atlantic.

In their study of the North Carolina for-hire fishery, Dumas et al. (2009) estimated several measures of consumer surplus for anglers fishing through the for-hire mode. Anglers were distinguished as to whether fishing was their primary or secondary purpose for taking the trip to the coasts. An additional snapper-grouper caught and kept would generate consumer surplus of $93.51 per trip for primary purpose anglers and $60.79 per trip for secondary purpose anglers. Consumer surplus per site per trip for primary purpose anglers ranged from $4.88 to $27.03 in charter trips taken in Federal waters, or from $0.35 to $9.55 in charter trips taken in state waters. The corresponding range of values for secondary purpose anglers were $0.24 to $16.62 for charter trips in Federal waters, or $0.12 to $16.54 for charter trips in state waters. On headboat trips in both state and federal waters, consumer surplus per site per trip ranged from $0.59 to $4.12 for primary purpose anglers and from $0.48 to $4.76 for secondary purpose anglers. Consumer surplus trip for the opportunity to take a for-hire fishing trip was estimated at $624.02 per angler per trip on charterboats and $101.64 per anger per trip on headboats.

In addition to the above economic values, there are estimates of the economic value of a red snapper and a red snapper trip provided in (NMFS 2008). Although these values are derived for the Gulf of Mexico recreational fishery, they can be used as proxy values for the South Atlantic fishery. It is noted, however, that red snapper is a significantly more important recreational target fishery in the Gulf of Mexico than in the South Atlantic. As a result, the estimates of economic value may overstate the true values for the South Atlantic. The estimated CS to a recreational angler of one red snapper is $6.04, while the estimated CS of a red snapper fishing trip is $53.53. These values were used to estimate the impacts of the red snapper interim rule in the South Atlantic.

Most recently, the NMFS Southeast Science Center (NMFS 2009a) developed estimates of consumer surplus per angler trip based on various studies and data in the last ten years. These estimates were culled from several studies – Haab et al. (2009), Dumas et al. (2009), and NOAA SEFSC SSRG (NMFS 2009b). The values/ranges of consumer surplus estimates are (in 2009 dollars) $112 to $128 for red snapper, $123 to $128 for grouper, $11 for other snappers, and $80 for snapper grouper. These values are deemed directly applicable in assessing the changes in consumer surplus due to management measures in Amendment 17A.

While anglers receive economic value as measured by the consumer surplus associated with fishing, for-hire businesses receive value from the services they provide. Producer surplus (PS) is the measure of the economic value these operations receive. PS is the difference between the revenue a business receives for a good or service, such as a charter or headboat trip, and the cost the business incurs to provide that good or service. Estimates of the PS associated with for-hire trips are not available. However, proxy values in the form of net operating revenues are also provided in NMFS (2008). These values are not PS estimates because they are not net of crew costs and returns to the owner. The estimated net operating revenues per angler trip for the for-hire sector are $162 for a charterboat trip and $78 for a headboat trip.

The NMFS Southeast Science Center recently provided estimates of charterboat and headboat net operating revenues for various areas in the Southeast (NMFS 2009a). These estimates were culled from several studies – Liese et al. (2009), Dumas et al. (2009), Holland et al. (1999), and Sutton et al. (1999). Estimates of net operating revenue per angler trip (2009 dollars) on representative charter trips are $135 for east Florida, $146 for Louisiana through east Florida, $156 for northeast Florida, and $128 for North Carolina. For charter trips into the EEZ only, net operating revenues are $141 in east Florida and $148 in northeast Florida. For full day and overnight trips only, net operating revenues are $160 in North Carolina and $155 in central and south North Carolina. Net operating revenues per angler trip are lower for headboats than for charterboats. Net operating revenue estimates for a representative headboat trip are $48 in the Gulf of Mexico, $63 in North Carolina, and $68 in central and south North Carolina. For full day and overnight headboat trips, net operating revenues are $74 in North Carolina and $77 in central and south North Carolina.

These value estimates should not be confused with angler expenditures or economic activity. While expenditures for a specific good or service may represent a proxy or lower bound of value (a person would not logically pay more for something than it was worth to them), they do not represent the net value (benefits minus cost), nor the change in value associated with a change in the fishing experience.

However, angler expenditures benefit a number of sectors that provide goods and services for salt-water sport fishing. Gentner and Steinback (2008) provide more recent estimates of saltwater recreational fishing trip expenditures (Table 3-57) and total economic impacts from these expenditures (Table 3-58). In addition to expenditures directly related to trips as shown in the two tables, the recreational sector also expended for fishing related equipment, such as license fees, boat insurance, boat storage, etc. Considering both trip and equipment expenditures, total economic impacts generated by the recreational sector in 2006 amounted to $2.515 billion of output and 24 thousand jobs in North Carolina, $534 million of output and 6 thousand jobs in South Carolina, $192 million of output and 2 thousand jobs in Georgia, and $6.383 billion of output and 56 thousand jobs in East Florida.

Dumas et al. (2009) also estimated the economic impacts of the recreational sector in North Carolina, with more focus on the for-hire sector. They found that for-hire fishing passengers spent about $380 million per year, including both on- and off-vessel spending, in coastal North Carolina. Inclusive of multiplier effects, this spending would support about $667.4 million in

economic output along the coast, about 10,200 jobs, $261.4 million in wages and salaries, and $49.3 million in local/state sales and excise (such as fuel and cigarette) taxes.

Table 3-57. Summary of expenditures per saltwater trip.

	North Carolina		South Carolina		Georgia		Florida-East	
Item	**Resident**	**Non Resident**	**Resident**	**Non Resident**	**Resident**	**Non Resident**	**Resident**	**Non Resident**
Shore mode trip expenses	$53.99	$177.89	$38.26	$120.12	$12.96	$24.22	$15.43	$21.13
Private/rental boat trip expenses	$38.54	$84.09	$31.36	$82.03	$15.35	$11.40	$29.86	$23.25
Charter mode trip expenses	$197.09	$262.49	$146.74	$245.60	$48.03	$25.80	$160.56	$65.07
Charter fee-average-per day	$121.41	$132.47	$70.92	$57.90	$36.33	$7.95	$123.75	$19.40

Source: Gentner and Steinback (2008).

Table 3-58. Summary of economic impacts of saltwater trips in 2006 (thousand dollars, except employment is total jobs).

	North Carolina		South Carolina		Georgia		Florida-East	
Item	**Resident**	**Non Resident**	**Resident**	**Non Resident**	**Resident**	**Non Resident**	**Resident**	**Non Resident**
Shore Mode Trips								
Expenditures	112,213	395,315	30,657	81,698	3,381	723	151,072	347,356
Output	137,127	551,590	33,009	102,974	3,496	786	165,175	499,420
Value-added	75,860	307,655	18,640	57,078	2,088	479	97,053	288,973
Income	43,760	176,121	10,730	32,873	1,179	263	57,695	169,077
Employment	1,591	6,719	390	1,274	33	7	1,766	5,282
Private/Rental Mode Trips								
Expenditures	82,020	44,412	30,445	12,102	7,002	175	397,051	216,040
Output	85,838	57,463	28,495	15,021	6,791	166	408,948	263,996
Value-added	48,792	32,011	16,854	85,737	4,117	103	244,789	156,081
Income	27,726	18,266	9,505	4,848	2,304	57	141,903	91,423
Employment	878	663	314	181	59	1	4,060	2,789
Charter Mode Trips								
Expenditures	20,123	57,092	2,507	12,986	1,112	343	35,185	103,694
Output	29,749	85,330	3,520	18,010	1,741	459	57,011	168,219
Value-added	16,689	47,893	1,997	10,165	1,012	272	34,308	98,977
Income	9,453	27,192	1,127	5,798	568	151	19,606	57,282
Employment	379	1,086	45	231	21	5	575	1,740

Source: Gentner and Steinback (2008).

3.8.2.5 Financial Operations of the Charter and Headboat Sectors

Holland *et al.* (1999) estimated that the charterboat fee in the South Atlantic ranged from $292 to $2,000. The actual cost depended on state, trip length, and the variety of services offered by the charter operation. Depending on the state, the average fee for a half-day trip ranged from $296 to $360, for a full day trip the range was $575 to $710, and for an overnight trip the range was $1,000 to $2,000. Most (>90 percent) Florida charter operators offered half-day and full-day trips and about 15 percent of the fleet offered overnight trips. In comparison, only about 3 percent of operations in the other South Atlantic states offered overnight trips.

For headboats, the average fee in Florida was $29 for a half-day trip and $45 for a full day trip. For North and South Carolina, the average base fee was $34 per person for a half-day trip and $61 per person for a full day trip. Most of these headboat trips operated in Federal waters in the South Atlantic (Holland *et al.* 1999).

Capital investment in charter vessels averaged $109,301 in Florida, $79,868 for North Carolina, $38,150 for South Carolina and $51,554 for Georgia (Holland *et al.* 1999). Charterboat owners incur expenses for inputs such as fuel, ice, and tackle in order to offer the services required by their passengers. Most expenses incurred in 1997 by charter vessel owners were on crew wages and salaries and fuel. The average annual charterboat business expenditures incurred was $68,816 for Florida vessels, $46,888 for North Carolina vessels, $23,235 for South Carolina vessels, and $41,688 for vessels in Georgia in 1997. The average capital investment for headboats in the South Atlantic was approximately $220,000 in 1997. Total annual business expenditures averaged $135,737 for headboats in Florida and $105,045 for headboats in other states in the South Atlantic.

The 1999 study on the for-hire sector in the Southeastern U.S. presented two sets of average gross revenue estimates for the charter and headboat sectors in the South Atlantic (Holland *et al*., 1999). The first set of estimates were those reported by survey respondents and were as follows: $51,000 for charterboats on the Atlantic coast of Florida; $60,135 for charterboats in North Carolina; $26,304 for charterboats in South Carolina; $56,551 for charterboats in Georgia; $140,714 for headboats in Florida; and $123,000 for headboats in the other South Atlantic states (Holland *et al*., 1999). The authors generated a second set of estimates using the reported average trip fee, average number of trips per year, and average number of passengers per trip (for the headboat sector) for each vessel category for Florida vessels. Using this method, the resultant average gross revenue figures were $69,268 for charterboats and $299,551 for headboats. Since the calculated estimates were considerably higher than the reported estimates (22 percent higher for charterboats and 113 percent higher for headboats), the authors surmised that this was due to sensitivity associated with reporting gross receipts, and subsequent under reporting. Alternatively, the respondents could have overestimated individual components of the calculated estimates. Although the authors only applied this methodology to Florida vessels, assuming the same degree of under reporting in the other states results in the following estimates in average gross revenues: $73,365 for charterboats in North Carolina, $32,091 for charterboats in South Carolina; $68,992 for charterboats in Georgia; and $261,990 for headboats in the other South Atlantic states.

It should be noted that the study's authors were concerned that while the reported gross revenue figures may be underestimates of true vessel income, the calculated values could overestimate gross income per vessel from for-hire activity (Holland *et al.*, 1999). Some of these vessels are also used in commercial fishing activities and that income is not reflected in these estimates.

A more recent study of the North Carolina for-hire fishery provides some updated information on the financial status of the for-hire fishery in the state (Dumas et al., 2009). Depending on vessel length, regional location, and season, charter fees per passenger per trip ranged from $168.14 to $251.59 for a full-day trip and from $93.63 to $123.95 for a half-day trip; headboat fees ranged from $72.50 to $81.78 for a full-day trip and from $38.08 to $45 for a half-day trip. Charterboats generated a total of $55.7 million in passenger fees, $3.2 million in other vessel income (e.g., food and beverages), and $4.8 million in tips. The corresponding figures for headboats were $9.8 million in passenger fees, $0.2 million in other vessel income, and $0.9 million in tips. Non-labor expenditures (e.g., boat insurance, dockage fees, bait, ice, fuel) amounted to $43.6 million for charterboats and $5.3 million for headboats. Summing across vessel lengths and regions, charter vessels had an aggregate value (depreciated) of $120.4 million and headboats had an aggregate value (depreciated) of $10.2 million.

3.8.3 Social and Cultural Environment

A more detailed description of the social and cultural environment of the snapper grouper fishery is contained in Amendment 13C (SAFMC 2006) and is incorporated herein by reference. The following sections summarize key information relevant to this action. Key communities were identified primarily based on permit and employment activity. These data were obtained from the U.S. Bureau of the Census and from state and federal permitting agencies.

Permit trends are hard to determine, since several factors may affect how many vessels are homeported in certain communities, including vessel mobility, shifting stock locations, and resettlement of fishermen due to coastal development. Nevertheless, although vessel location shifts occur, static geographical representations help determine where impacts may be felt.

Data from the US Census Bureau must be used with some caution. Census data is collected every ten years and may not reflect shifting community demographics. Businesses routinely start up and fail or move and the census data collection cycle may fail to capture key changes. Further, census estimates do not include seasonal visitors and tourists, or those that live less than half the year in a surveyed area. Many of the latter group may work as seasonal employees and not be counted. Census data also misses some types of labor, such as day laborers, undocumented crew members, or family members that help with bookkeeping responsibilities.

Permit requirements for the commercial Snapper Grouper fishery were established in 1998 by Amendment 8 (SAFMC 1997). This amendment created a limited entry system for the fishery and established two types of permits based on the historic landings associated with a particular permit. Those who could demonstrate a certain amount of landings over a certain time period received permits that did not limit the number of pounds of Snapper Grouper that could be landed from federal waters (hereafter referred to as "unlimited commercial permits"). These

permits were transferable. Vessels with verified landings, but did not meet the threshold were issued permits that allowed them to land 225 pounds of Snapper Grouper species from federal waters each trip (hereafter referred to as "limited commercial permits"). These permits were not transferable. New entry into the fishery required the purchase of two unlimited permits from existing permit holders for exchange for a new permit. This "two for one" system was intended to gradually decrease the number of permits in the fishery. These restrictions only applied to the commercial Snapper Grouper permit.

Impacts on fishing communities from coastal development, rising property taxes, decreasing access to waterfront due to increasing privatization of public resources, rising cost of dockage and fuel, lack of maintenance of waterways and ocean passages, competition with imported fish, and other less tangible (often political) factors have combined to put all these communities and their associated fishing sectors under great stress.

While studies on the general identification of fishing communities have been undertaken in the past few years, little social or cultural investigation into the nature of the Snapper Grouper fishery itself has occurred. A socioeconomic study by Waters *et al.* (1997) covered the general characteristics of the fishery in the South Atlantic, but those data are now almost 10 years old and do not capture important changes in the fishery. Cheuvront and Neal (2004) conducted survey work of the North Carolina commercial Snapper Grouper fishery south of Cape Hatteras, but did not include ethnographic examination of communities dependent upon fishing.

To help fill information gaps, members of the South Atlantic Council's Snapper Grouper Advisory Panel, Council members, Advisory Panel members, and representatives from the angling public identified communities they believed would be most impacted by the management measures proposed in Amendment 13C on the species addressed by this amendment. Details of their designation of particular communities, and the factors considered in this designation, can be found in Amendment 13C (SAFMC 2006).

Because so many communities in the South Atlantic benefit from Snapper Grouper fishing, the following discussion focuses on "indicator communities," defined as communities thought to be most heavily impacted by Snapper Grouper regulations.

3.8.3.1 North Carolina

Figure 3-13. North Carolina communities with substantial fishing activity, as identified by South Atlantic Advisory Panels.

3.8.3.1.1 Statewide

Overview

Of the four states in the South Atlantic region, North Carolina (Figure 3-13) is often recognized as possessing the most "intact" commercial fishing industry; that is, it is more robust in terms of viable fishing communities and fishing industry activity than the other three states. The state offers a wide variety of fishing opportunities, including sound fishing, trolling for tuna, bottom fishing, and shrimping. Perhaps because of the wide variety of fishing opportunities, fishermen have been better able to weather regulations and coastal development pressures, adjusting their annual fishing patterns as times have changed.

Commercial Fishing

There has been a steady decline in the number of federal commercial snapper grouper permits North Carolina since 1999, with 194 unlimited commercial permits in 1999, but only 139 in 2004. Limited permits similarly declined from 36 to16.

State license sale and use statistics for all types of licenses also indicate an overall decrease since 1994. While the overall number of state licenses to sell any species of fish or shellfish increased from 6,781 in 1994 to 9,712 in 2001/2002, the number of license holders actually reporting sales decreased from 6,710 in 1994/1995 to 5,509 in 2001/2002 (SAFMC 2006).

North Carolina fishermen demographics are detailed in Cheuvront and Neal (2004). Ninety eight percent of surveyed fishermen were white and 58 percent had completed some college or had graduated from college. Of those who chose to answer the question, 27 percent of respondents reported a household income of less than $30,000 per year, and 21 percent made at least $75,000 per year. On average, respondents had been fishing for 18 years, and had lived in their communities for 27 years.

Cheuvront and Neal (2004) also provided an overview of how North Carolina commercial Snapper Grouper fishermen carry out their fishery. Approximately 65 percent of surveyed fishermen indicated year-round fishing. Gag is the fish most frequently targeted by these fishermen, with 61 percent of fishermen targeting gag at some point in the year, despite the prohibition of commercial sales and limit to the recreational bag limit in March and April. Vermilion snapper (36.3 percent) and black sea bass (46 percent) are the next most frequently targeted species. A significant number of fishermen land king mackerel during each month, with over 20 percent of fishermen targeting king mackerel between October and May. During the gag closed season, king mackerel are targeted by about 35 percent of the fishermen. Other snapper/grouper complex species landed by at least 5 percent of the fishermen in any given month were red grouper (39.5 percent), scamp (27.4 percent), snowy grouper (9.7 percent), grunts (14.5 percent), triggerfish (13.7 percent), and golden tilefish (5.6 percent). Non-snapper/grouper complex species landed by at least 5 percent of the fishermen in any given month included Atlantic croaker, yellowfin tuna, bluefin tuna, dolphin, and shrimp.

By looking at the commercial landings data on the snapper grouper complex it is possible to see which communities are involved with the commercial fisheries for these species (Table 3-59). Although rankings can fluctuate from year to year, this can give us a starting point for understanding some of the communities that would be impacted by more restrictive regulations.

Table 3-59. Top commercial cumulative landings for North Carolina for 2003-2007, listed by species, impacted by this amendment. Logbook data, SEFSC 2009.

	Location	Pounds	Location	Pounds	Location	Pounds
Gag	New Hanover County	675,714	Carteret County	640,750	Brunswick County	390,242
Vermillion Snapper	Brunswick County	2,317,534	Carteret County	1,483,802		

Black Sea Bass	Onslow County	2,100,034	Dare County	1,552,624	New Hanover County	1,165,877
Snowy Grouper	Dare County	439,301	Carteret County	387,333	New Hanover County	211,988
Golden tilefish	Brunswick County	117,658	Dare County	13,526		
Red snapper	Carteret County	60,491	Brunswick County	31,007		
Black grouper	Brunswick County	518	Hyde County	406		
Red grouper	Brunswick County	636,262	New Hanover County	602,521	Carteret County	589,856
Warsaw grouper	Onslow County	15				
Speckled hind	Dare County	428	Hyde County	174		

Recreational Fishing

Recreational fishing is well developed in North Carolina and, due to natural geography, is not limited to areas along the coast. Data show that North Carolina is almost on par with east Florida for total recreational fishing participation effort (data not shown; see SAFMC 2006). A brief discussion of public boat ramps and local recreational fishing clubs, as well as sources of information used by these anglers, can be found in SAFMC (2006).

The North Carolina state legislature approved the creation of a state recreational saltwater fishing license in 2004. The license created controversy for both the recreational and commercial sectors, each believing that it will hurt or help their access to marine resources. Possession of the license, subject to exemptions, has been required as of January 1, 2007 (http://www.ncdmf.net/recreational/NCCRFLfaq.htm).

3.8.3.1.2 Hatteras Village, Dare County

A detailed history of this community, from its discovery by Italian explorers in the 16th century to establishment of a National Seashore in 1953, can be found in SAFMC (2006).

Overview

Census data indicate there was not a significant increase in population size in Hatteras Village from 1990 to 2000 (SAFMC 2006). The demographics of the island have shifted, as is evidenced in the decreasing percentage of the population that is actively in the workforce, perhaps reflecting a larger number of retirees in the community, and the increasing proportion of

residents with higher education, also reflecting a retired, professional segment of the population. Hatteras Village has also experienced a significant increase in the percent of the population in the farming, fishing, and forestry occupations, from 5.6 percent to 10.8 percent. This may be reflective of the increasing number of persons employed in businesses related to recreational fishing, such as charter boat captains and crew, boat repair and sales, marinas, etc. See SAFMC (2006) for the raw data describing community demographics. Figure 3-14 includes two maps detailing the area.

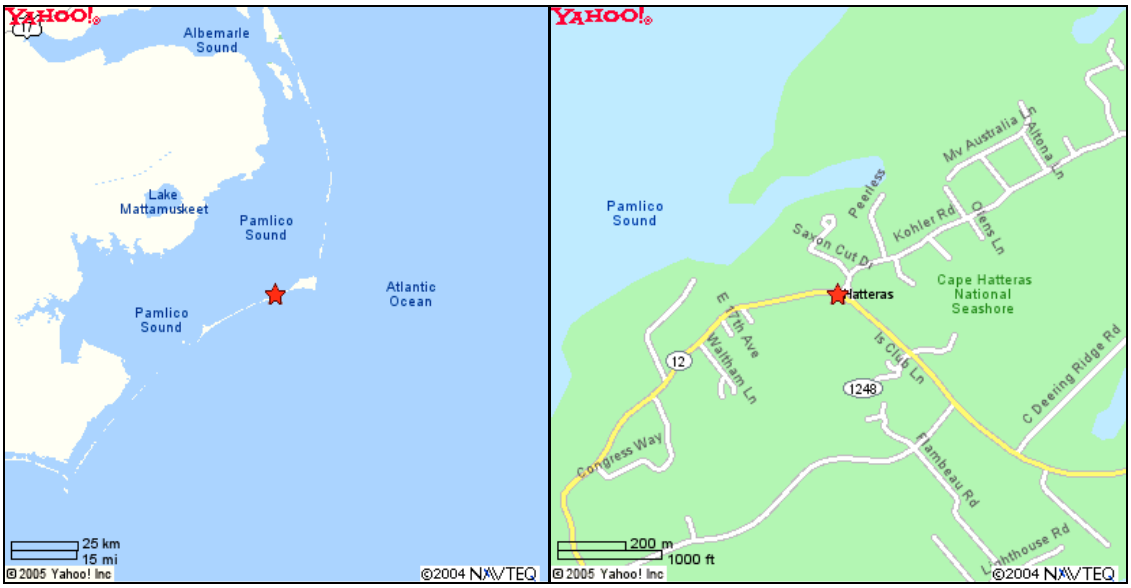


Figure 3-14. Hatteras Island and Village, Outer Banks, North Carolina.
Source: Yahoo Maps, http://www.yahoo.com.

Commercial Fishing

Anecdotal information from Hatteras residents indicates the number of fish houses has decreased as tourism has increased (SAFMC 2006). Residents, however, still promote the fisherman's way of life through festivals and special community designations (SAFMC 2006).

Mirroring the statewide trend, the number of unlimited commercial permits held by residents of Hatteras decreased from 1999 (9 permits) to 2004 (5 permits). The number of limited commercial permits has remained at 3 (SAFMC 2006). Twenty people stated they were employed in fishing related industry in the 1998 census, with 18 of these employed by marinas. A listing of the six marinas and eight bait and tackle stores in Hatteras Village can be found in SAFMC (2006).

Recreational Fishing

Hatteras is host to several prestigious fishing tournaments and is homeport for the island's famous charter fishing fleet. The number of charter/headboat permits held by Hatteras residents has dramatically increased, from one permit in 1999 to 28 in 2004.

3.8.3.1.3 Wanchese, Dare County

A history of this community, and neighboring Manteo, describing its persistence as a small, close-knit community focused on making its living from the sea, can be found in SAFMC (2006).

Figure 3-15. Map of Roanoke Island, North Carolina, showing Wanchese and Manteo. Source: Kitner 2005.

Overview

Figure 3-15 provides a map of Roanoke Island, including Wanchese and Manteo. While Wanchese has maintained its identity as a commercial fishing community, it faces continuing pressure from developers in nearby Manteo and other Outer Banks communities. However, the town has recently approved a zoning document that would prevent unplanned growth and would help preserve working waterfronts and residential areas (Kozak 2005). A partial community profile detailing local traffic patterns, businesses, and prominent families can be found in SAFMC (2006).

The largest industrial area in Wanchese is centered on the Wanchese Seafood Industrial Park, built to enhance business opportunities in the seafood and marine trades. Tenants of the park are able to ship products overnight to major domestic and international markets through the airport in Norfolk, Virginia. The park is utilized by fishermen and seafood dealers, as well as boatbuilding and boat maintenance businesses. The park is full of activity and it is common to find large numbers of people, especially Hispanics, working in the marine trade industries.

Census statistics from 2000 show the population of Wanchese is aging and very homogenous, with little ethnic diversity. There has been a slight increase in the Hispanic population since 1990, mirroring most other communities in North Carolina. Education levels have also increased, and the poverty rate has decreased. A higher percentage of people are employed in fishing-related professions in Wanchese than in almost any other community – 10 percent – although even that number has decreased nearly 50 percent since 1990.

Commercial Fishing

Commercial landings and value for Wanchese/Stumpy Point declined from 31.9 million pounds valued at $26.1 million in 2001 to 28.7 million pounds valued at $23.2 million in 2002. In 2001, Wanchese/Stumpy Point was listed as the 28th most prominent United States port based on the value of the product landed, declining to 30th in 2002. While landings increased in 2003, to 33 million pounds, value further declined to $21 million (31st place), with further declines in both poundage (31 million pounds) and value ($20.5 million) in 2004.

Amendment 8, which limited entry into the commercial Snapper Grouper fishery, does not appear to have caused a decrease in the number of commercial permits held by residents of Wanchese (SAFMC 2006). In 1999, seven unlimited commercial permits were held, with eight in 2004. Three limited commercial licenses were held in both 1999 and in 2004.

One hundred twenty residents of Wanchese stated they were employed in fishing related industries in the 1998 census (SAFMC 2006). Sixteen of these were listed as employed in fishing, 56 in fish and seafood, and 40 in boatbuilding.

There were 228 commercial vessels registered and 201 state standard commercial fishing licenses issued in the community in 2002 (SAFMC 2006). Wanchese residents also held 12 dealer licenses. The town is an important unloading port for many vessels transiting to and from the Mid-Atlantic and South Atlantic.

Recreational Fishing

As of 2005, nine boatbuilding businesses were located in Wanchese, building either pleasure yachts, recreational fishing vessels or, less often, commercial fishing vessels. There were two bait and tackle businesses and two marinas in town. All these businesses rely on the fishing industry. Manteo also maintains an active private and for-hire recreational fishing community. From 1999 to 2004, there was an increase in the number of charter/headboat licenses held, from two permits to nine permits. As most of the recreational sector for the region operates out of Manteo and Nags Head, these communities would be more affected by recreational fishing restrictions than would Wanchese.

Figure 3-16. Area of Carteret County, North Carolina, showing Morehead City, Atlantic Beach (at the red star), and Beaufort. Source: Yahoo Maps, http://www.yahoo.com.

3.8.3.1.4 Morehead City, Carteret County

In Carteret County, Morehead City, Beaufort, and Atlantic Beach form a triad of different but complementary communities in close geographic proximity (Figure 3-16). A detailed history of Morehead City, from its founding in the 1840s-1850s to its development as a center for sport and tournament fishing in recent years, can be found in SAFMC (2006).

Overview

Morehead City's economy is currently based on tourism, fishing (commercial and recreational), light industry, government, and other service and professional industries. The town has regained its commercial viability as a modern port terminal, and benefits from its location on the "sound-side" of the Atlantic Beach resort trade. Diving has become an important tourist activity; Rodale's Scuba Diving magazine recently named North Carolina as the best wreck diving destination in North America, and Morehead City as the best overall dive destination. Recreational fishing effort is growing quickly, as new marinas, boat storage areas, boat builders, and marine supply stores open in the city.

Detailed statistics detailing community demographics of Morehead City in 1990 and 2000 can be found in SAFMC (2006). The population of Morehead City increased from 1990 to 2000, with sizable increases in the number of people declaring non-white ethnicities. Median income

increased from approximately $20,000 to nearly $29,000 from 1990 to 2000. Median home value nearly doubled, and median rent increased 35 percent. The percentage of those completing high school increased by 10 percent, and there was a seven percent increase in those receiving a bachelor's degree or higher. The poverty level decreased. However, the unemployment rate increased. The occupations of farming, fishing, and forestry employ more than one percent of the population of Morehead City.

Commercial Fishing

In 1998, 100 people were employed in fishing related businesses according to census figures, with 40 employed in marinas and 36 employed in fish and seafood businesses (SAFMC 2006). Over 200 state commercial vessel licenses, 150 state standard commercial fishing licenses, and 14 dealer licenses were issued by the state to residents of Morehead City in 2002. The number of unlimited commercial permits held by Morehead City residents was 15 in 1999 and 14 in 2004, while the three limited commercial permits held in 1999 were no longer held by 2004 (SAFMC 2006). As of 2002, the state had issued 211 commercial vessel registrations, 150 standard commercial licenses, and 14 dealer licenses to Morehead City residents. Residents of Morehead City were primarily employed by marinas (40 percent) and fish and seafood (36 percent), with 16 percent employed in boatbuilding businesses.

A narrative detailing the fishing methods, habits, and observations of a bandit-rig fisherman in Morehead City can be found in SAFMC (2006).

Recreational Fishing

The number of charter/headboat permits held by Morehead City residents nearly doubled, from seven in 1999 to 13 in 2004.

3.8.3.1.5 Beaufort, Carteret County

Beaufort is located on the coast near Cape Lookout, and borders the southern portion of the Outer Banks. Its deep harbor is home to vessels of all sizes, and its marinas are a favorite stop-over for transient boaters. A detailed history of Beaufort, from its establishment to its importance as a trade center during the 18th and 19th centuries, to its later involvement in the menhaden fishing industry, can be found in SAFMC (2006).

Overview

Tourism, service industries, retail businesses, and construction are important mainstays of the Beaufort area, with many shops and restaurants catering to people from outside the area. Census data show a slight decrease in population size from 1990 to 2000, from 3,808 inhabitants to 3,771, perhaps due to the aging population. Educational attainment rose over the last decade, and the percentage of individuals below the poverty line fell slightly. The percentage of those in the labor force decreased, another possible indication of an aging population. However, the percentage unemployed also decreased. The number of people working in farming, fishing, and forestry remained about the same from 1990 to 2000. According to census business pattern data

from 1998, most of the fishing-related employment in Beaufort (total 300 persons) occurs in the boat building industry, which employs 184 residents (SAFMC 2006). Forty-eight people reported working in marinas, while others are employed in fish processing, fish harvesting, and seafood marketing.

Commercial Fishing

There has been a slight decrease in the number of unlimited commercial permits held by residents of Beaufort, from 5 permits in1999 to 4 permits in 2004. In the last two years, the one limited commercial permit held by a Beaufort resident was no longer reported. As of 2002, the state had issued 430 commercial vessel registrations, 294 standard commercial licenses, and 32 dealer licenses to Beaufort residents.

Recreational Fishing

There has been virtually no change in the number of charter/headboat permits, 1 permit in 2003 and 2004, held by residents.

3.8.3.1.6 Atlantic Beach, Carteret County

Atlantic Beach has been a popular resort town since the 1870s. The first bathing pavilion was built on Bogue Banks in 1887. Tourists flocked to the resorts, and ferry service to Atlantic Beach increased. Other resorts and tourism related development occurred over the next century, and the area remains a popular vacation destination (www.atlanticbeach-nc.com/history_part-1.html).

Overview

Atlantic Beach demographic data from 1990 and 2000 show a slight population decline since 1990, as well as decreases in the percent of the population involved in farming, fishing, and forestry (SAFMC 2006). The median age of the population has increased, perhaps a reflection of the growing number of retirees moving to this area of the coast.

Commercial Fishing

As observed in other areas of North Carolina, since limited access was put into place, the number of commercial permits has decreased from eight unlimited commercial permits in 1999 to four in 2004, and four limited commercial permits to zero (SAFMC 2006). In 1998, 60 residents of Atlantic Beach were employed in fishing related industry, with 93 percent of those employed by the marine sector. In 2002, 56 vessels were registered with the state as commercial fishing vessels, 42 standard commercial fishing licenses were held by Atlantic Beach residents, and there were ten valid dealer licenses issued to community members (SAFMC 2006).

Recreational Fishery

Since 1999, the number of federal charter/headboat permits held by Atlantic City residents has increased from six to 19, though only one permit was recorded in 2002. Of the 60 individuals reporting working in a fishing related industry in 1998, 46 worked in marinas. Two state permits were issued to recreational fishing tournaments to sell licenses in 2002 (SAFMC 2006).

Figure 3-17. General area of Sneads Ferry, North Carolina.
Source: Yahoo Maps, http://www.yahoo.com.

3.8.3.1.7 Sneads Ferry, Onslow County

Sneads Ferry is a historical fishing village located on the New River near the northern tip of Topsail Island (Figure 3-17). The river joins the Intracoastal Waterway at Sneads Ferry, with easy access to the Atlantic Ocean. A very active commercial fishing community, Sneads Ferry takes in more fish than any other Onslow County port (http://www.cbcoastline.com/areainfo.htm). It also includes Camp Lejeune, a U.S. Marine base. The Sneads Ferry Shrimp Festival has been held annually since 1971. Now grown to a two-day event, the annual shrimp festival is the town's major fund-raiser. From its proceeds, the town established a 14-acre community park and built a 7200-sq. ft. Shrimp Festival Community Building (www.sneadsferry.com/areahistory/his_sf.htm).

Overview

Census data indicate the population of Sneads Ferry increased by about 10 percent from 1990 to 2000, from 2,031 inhabitants to 2,248. Most new residents were white, and the number of black or African American residents decreased from 159 to 115. Median income increased from about $20,000 to nearly $35,000. Median home value increased from $65,000 to $110,000, but median rent remained about the same. The percentage of those completing high school increased by 10

percent and the percent of residents with at least a Bachelor's degree doubled, from six percent to 12.8 percent. The poverty level decreased from 20.9 percent to 13.5 percent, and the percentage of the population unemployed decreased from 8.3 percent to 2.2 percent. The percentage of residents employed in farming, fishing, and forestry decreased by half from 18.2 percent to 9 percent, while employment in sales and office occupations increased by over 17 percent. It is unclear who may be buying home sites on newly developed land in the town, but the town's current demographics may point to an increase in retirees in Sneads Ferry, as they are better educated, have higher incomes, and are older. The dramatic decline by approximately 50 percent of persons employed in extractive natural resource occupations may be due to increasing job opportunities outside of the community, the changing impacts of regulations, or status of the resources

Commercial Fishing

Sneads Ferry is a small town with little of the large-scale development seen elsewhere on the North Carolina coast. Many houses in the community have fishing vessels docked in front of the house or on the lawn. The white rubber boots worn by commercial fishermen in this community and many other parts of North Carolina are commonly referred to as "Sneads Ferry Sneakers", suggesting the importance of commercial fishing to the area. Most of the fishermen in town are shrimpers and net fishermen who go out daily. There is also a strong contingent of black sea bass pot fishermen resident in the town. The species with the highest consistent landings in the town are black sea bass, button clams, blue crab, flounders, mullet, shrimp, spot, and whiting.

The number of federal charter/headboat permits held by residents increased from six in 1999 to 13 in 2004, while the number of unlimited commercial permits decreased from 22 to 17, and the number of limited commercial permits remained at one (SAFMC 2006). Over 347 commercial fishing vessels were registered with the state in 2002, and 228 residents held state-issued standard commercial fishing licenses. There were also 18 dealer licenses in the community and 169 shellfish licenses. In 1998, 16 persons were employed in fishing related industry, with 75 percent working in fish and seafood.

Recreational Fishing

Recreational fishing in Sneads Ferry is not as prominent an activity as in Morehead City. However, there are a large number of vessels with charter permits for Snapper Grouper homeported there. Little is currently known about recreational fishing out of Sneads Ferry, aside for its advertisement as an important tourist attraction in many websites that discuss the community. At least five marinas cater to recreational fishermen. There are two other marinas at Camp LeJeune Marine Base, just across the Neuse River. Some smaller river and sound fishing charters operating out of the area and one headboat runs from Sneads Ferry. Other than black sea bass, it does not appear that many Snapper Grouper species are frequently caught recreationally from Sneads Ferry.

3.8.3.2 South Carolina

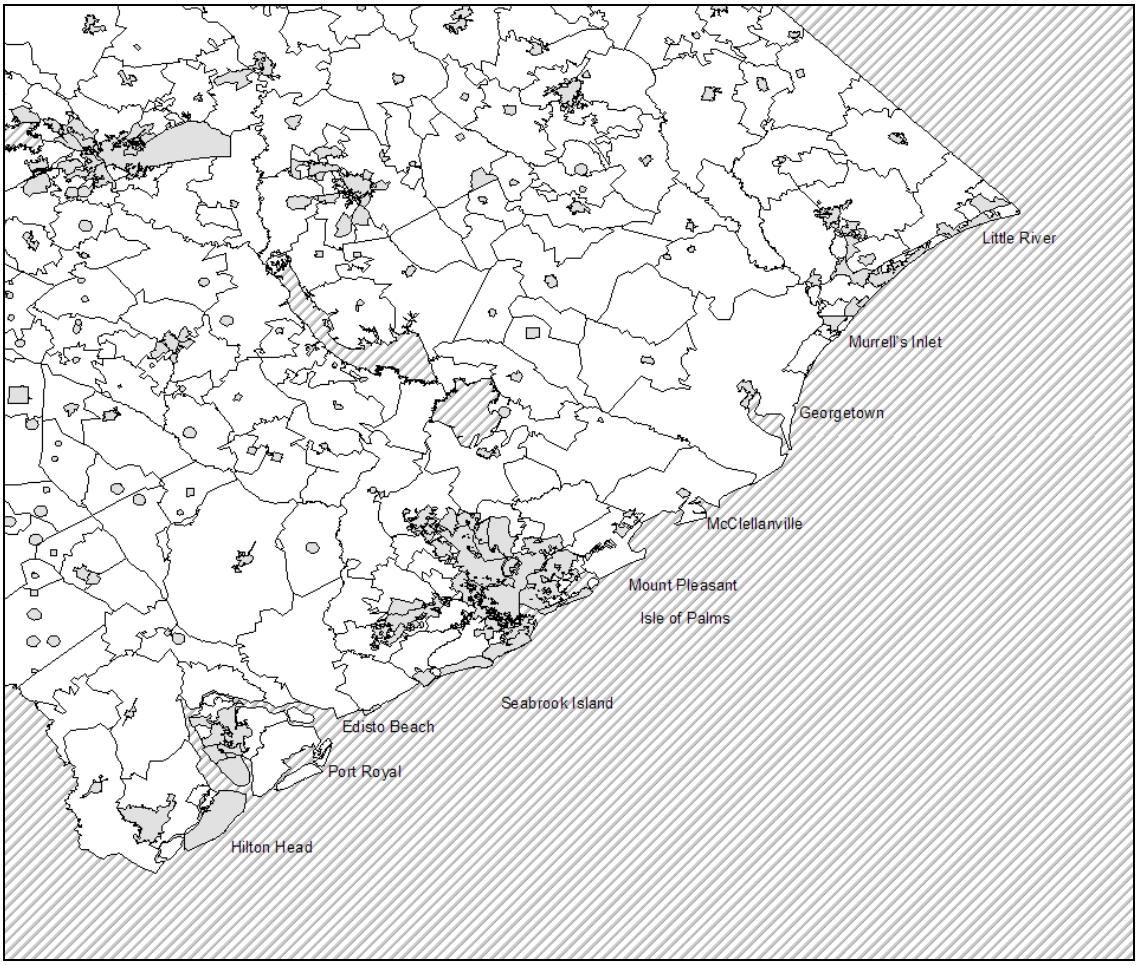


Figure 3-18. South Carolina communities with substantial fishing activity, as identified by South Atlantic Advisory Panels.

3.8.3.2.1 Statewide

Overview

South Carolina communities with substantial fishing activity are less developed than those in North Carolina and, over the past 20 to 30 years, the state has seen much more tourist-oriented development along its coasts than Georgia or North Carolina. In Horry County, the urban area of Myrtle Beach has expanded greatly in the past few decades, and much of the coastal area has been developed as vacation homes, condominiums, and golf courses. The communities most impacted by this development are Little River, Murrells Inlet, Pawleys Island, and Georgetown, although the latter three are located in Georgetown County (Figure 3-18). The same is true of rapid developing Charleston County, and the cities and communities of McClellanville, Mt. Pleasant, Sullivans Island, Wadmalaw and Edisto Islands feel the impact of urban sprawl from the city of Charleston. Further south along the coast, the Hilton Head Island resort development

has been the impetus for changing coastal landscapes in the small towns of Port Royal, Beaufort, St. Helena Island, and Bluffton.

For the purpose of this document, only Little River will be singled out as a community with a high concentration of both commercial and recreational fishing, along with other types of coastal oriented leisure pursuits. Other analyses will consider South Carolina as a whole.

Commercial Fishing

While pockets of commercial fishing activities remain in the state, most are being displaced by the development forces and associated changes in demographics. The number of unlimited commercial permits, however, increased from 74 in 1999 to 87 in 2004, while the number of limited commercial permits decreased by 75 percent from 12 to 4 (SAFMC 2006).

Recreational Fishing

Many areas that used to be dedicated to commercial fishing endeavors are now geared towards the private recreational angler and for hire sector. The number of federal charter/headboat permits held by South Carolina residents increased from 41 in 1999 to 111 in 2004. The majority of saltwater anglers fish for coastal pelagic species such as king mackerel, Spanish mackerel, tunas, dolphins, and billfish. A lesser number focus primarily on bottom fish such as snapper and groupers and often these species are the specialty of the headboats that run out of Little River, Murrells Inlet, and Charleston. There are 35 coastal marinas in the state and 34 sportfishing tournaments (SAFMC 2006).

3.8.3.2.2 Little River, Georgetown County

A history of Little River detailing its settlement in the late 1600s, its popularity as a vacation destination in the 1920s, and the concurrent rise in charter fishing, can be found in SAFMC (2006).

Figure 3-19. Little River, South Carolina, and surrounding area.
Source: Yahoo Maps, http://www.yahoo.com.

Overview

Figure 3-19 shows Little River and the surrounding area. A detailed description of changes in land-use patterns in and near Little River can be found in SAFMC (2006). Nearby Murrells Inlet is gradually transforming into a residential community for Myrtle Beach, and SAFMC (2006) argues this is also true for Little River.

Census data indicate the Little River population more than doubled from 1990 (3,470 persons) to 2000 (7,027 persons) and became more ethnically diverse with more people of American Indian or Alaskan Native, and Hispanic or Latino ethnicities. Median income increased by over 40 percent, from nearly $29,000 to over $40,000. Median home value also increased by over 40 percent, and median rent increased by nearly 35 percent. The percentage of those completing high school and those with a Bachelor's degree remained about the same. The poverty level decreased by nearly two-thirds to 4.7 percent, and the percentage of the population unemployed decreased from 6.6 percent to 3.4 percent. The percentage of residents employed in farming, fishing, and forestry decreased from 3.6 percent to 0.9 percent.

Commercial Fishing

In 1998, 38 residents of Little River were employed in fishing related industry according to the U.S. Census, with 81 percent of those employed by the marina sector. The number of Snapper Grouper unlimited harvest commercial permits held by community residents remained about the same between 1999 and 2004, from 15 permits to 16 permits, and one resident still held a limited harvest commercial license. Twenty-four Little River residents held state permits, with the most being saltwater licenses (8 permits) or trawler licenses (5 permits) (SAFMC 2006).

The table below (Table 3-60) shows the commercial cumulative landings by pounds and ranking in the South Atlantic for Little River for the years 2005-2207 for major species in this amendment. Little River had little or no landings of black grouper, speckled hind, or warsaw grouper.

Species	Pounds	Ranking in South Atlantic
Gag	409,721	4th
Vermillion Snapper	1,035,287	5th
Black Sea Bass	549,944	6th
Snowy Grouper	289,128	3rd
Golden tilefish	615,373	4th
Red snapper	31,777	11th
Red grouper	21,535	20th

Table 3-60 Source: Logbook Data, SEFSC 2009.

Recreational Fishing

As observed in other coastal communities described herein, the number of charter/headboat permits held by community residents increased from 9 in 1999 to 16 in 2004. Three headboats operated out of Little River, and this part of the for-hire industry has a long and storied past in the community. Recreational fishing, primarily as headboat effort, came about as a way for commercial fishermen to continue fishing in the summer months. A detailed account of how recreational fishing developed in Little River can be found in Burrell (2000). Most of the private recreational fishing effort in this area occurs out of marinas in North Myrtle Beach, Myrtle Beach, and Murrells Inlet.

3.8.3.3 Georgia

3.8.3.3.1 Statewide

Overview

Only one community in Georgia (Townsend) lands a substantial amount of the Snapper Grouper species addressed in this amendment. Other parts of the state involved in the commercial harvest

of seafood are focused on penaeid shrimp, blue crabs, and other finfish such as flounder, shad, croaker, and mullet.

Brunswick, the other community that has a commercial fishing presence, was once a more thriving commercial fishing community but now tourism and other related activities are competing for waterfront in the town. The most commonly harvested species in Brunswick are blue crab and different species of penaeid shrimp. According to the ACCSP website, there have been no Snapper Grouper species landed in Brunswick in since 2001. Other parts of the state involved in the commercial harvest of seafood are focused on penaeid shrimp, blue crabs, and other finfish such as flounder, shad, croaker, and some mullet.

Commercial Fishing

Unlike the pattern observed in many other areas, the number of unlimited commercial permits and limited commercial permits held by Georgia residents did not decrease from 1999 to 2004, with eight permits and one permit, respectively. In 2002, 947 vessels were registered with the state as commercial fishing vessels, 612 full-time state commercial fishing licenses were held by Georgia residents, and 147 residents held part-time state commercial fishing licenses. Within the commercial fishing fleet, four hundred and eighty two vessels had shrimp gear on board in that year (SAFMC 2006).

The table below (Table 3-61) shows the commercial cumulative landings by pounds and ranking in the South Atlantic for Townsend, Georgia for the years 2003-2207 for major species in this amendment. Townsend had little or no landings of black grouper, speckled hind, golden tilefish, or warsaw grouper.

Species	Pounds	Ranking in South Atlantic
Gag	397,284	5
Vermillion Snapper	1,428,918	4
Black Sea Bass	19,790	14
Snowy grouper	33,619	19
Red snapper	130,553	3
Red grouper	21,797	20

Table 3-61. Source: Logbook Data, SEFSC 2009.

Recreational Fishing

As observed in other areas, the number of charter/headboat permits held by Georgia residents increased markedly from five permits in 1999 to 27 permits in 2004 (SAFMC 2006). Recreational vessels are located at Tybee Island close to Savannah, on the barrier islands off Brunswick, and between Savannah and Brunswick.

3.8.3.3.2 Townsend, McIntosh County

A history of the area, describing its economy before the Civil War, the rise and fall of lumbering, and the building of the railroad, can be found in SAFMC (2006). Townsend is a small, rural community. In 2005, the fish house in this community was relocating inland. It is not known if this relocation was successful and whether that fish house will be handling domestically harvested fish in the future.

Overview

The population of Townsend increased by over 1,000 residents from 2,413 in 1990 to 3,538 in 2000. Although there was a large relative increase in the number of Hispanic or Latino residents, from 2 to 27, most of the new inhabitants were white (1,465 in 1990 and 2,437 in 2000). Median income increased from approximately $23,000 to $35,000. Median home value nearly tripled, from $33,000 in 1990 to $98,100 in 2000, and monthly rent nearly doubled, from $213 to $431. In 1990, 26.9 percent of residents had less than a 9th grade education, but by 2000, that number declined to 11.0 percent. The percentage of those completing high school increased by nearly 15 percent, while the percent receiving a bachelor's degree or higher remained about the same (8.4 percent to 8.9 percent). The percent of the population with an income below the poverty line deceased by four percent, but remained high at 14.6 percent. The percentage of the population unemployed increased from 3.4 percent to 6.5 percent. There has been a sizeable decline in the percentage of the population employed in manufacturing, from 29.0 percent to 16.2 percent, and the proportion of the population employed in farming, fishing, and industry remained unchanged at approximately three percent.

Commercial Fishing

A comprehensive description of the historic and current fish houses of coastal Georgia and how they operate, focusing on Phillips Seafood of Townsend, can be found in SAFMC (2006). For nearly a decade, only one fish house has consistently handled Snapper Grouper species. A fish house in Brunswick may have landed these species in the past, but has not reported landings since 2001.

Recreational Fishing

Offshore recreational anglers do not often target or harvest Snapper Grouper species in Georgia (http://www.st.nmfs.noaa.gov/st1/recreational/overview/overview.html).
Of the Snapper Grouper species harvested, black sea bass, sheepshead, and vermilion snapper are the most commonly harvested fish at five, seven, and two percent, respectively. As of 2004, residents of the Savannah area held 11 charter/headboat permits for Snapper Grouper, and many of these vessels are docked on Tybee Island. Residents of the area around the city of Brunswick,

including Jekyll Island and Sea Island, held four Snapper Grouper charter/headboat permits. Interestingly, unlike the cities profiled in the Carolinas, the number of federally permitted for-hire vessels has declined dramatically. From 2003 to 2004, the number of Snapper Grouper permitted for hire vessels declined from 43 to 27 (NMFS 2004). The cause of this decline is unknown.

3.8.3.4 Florida

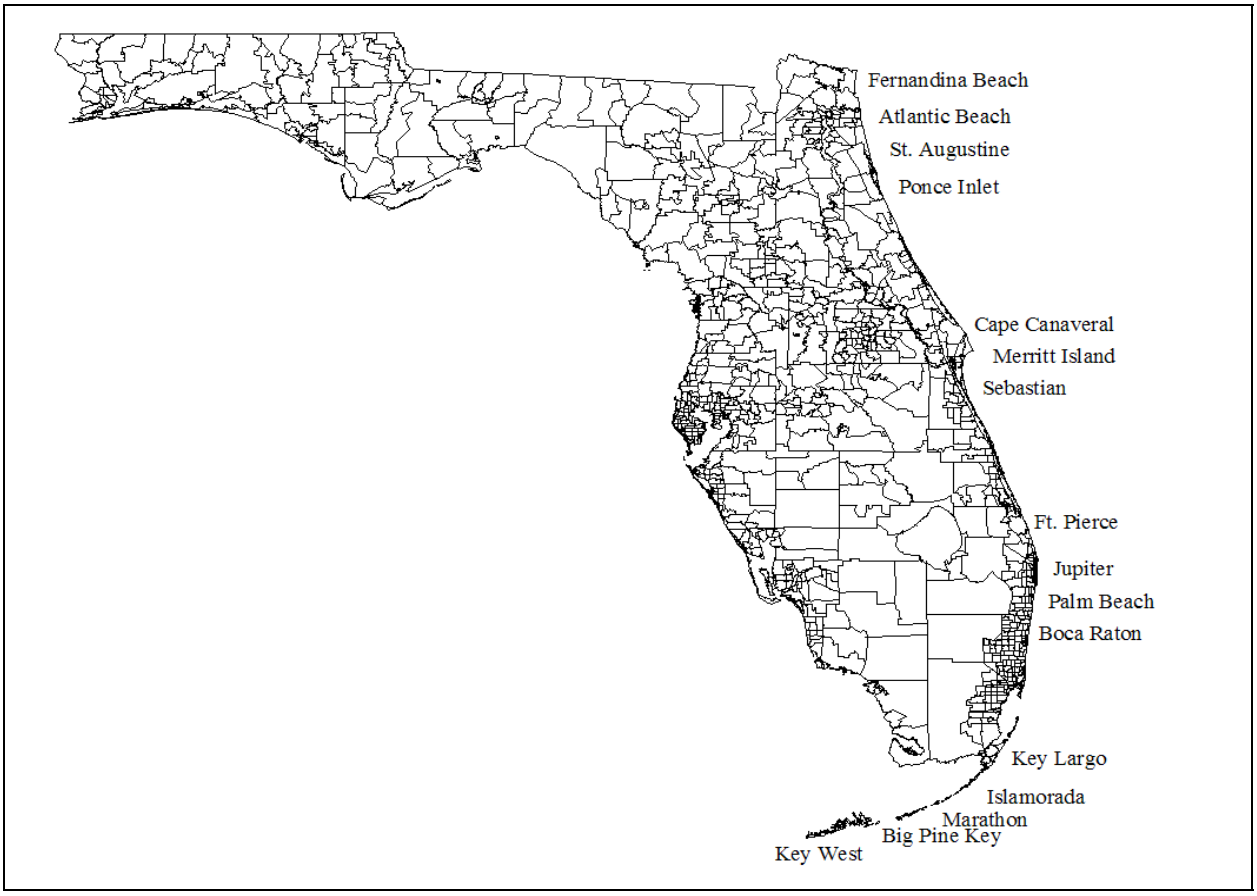


Figure 3-20. Florida communities with substantial fishing activity. Identified by South Atlantic Advisory Panels. Source: Jepson et al. (2005).

3.8.3.4.1 Statewide

Overview

Florida stands apart from other states in the South Atlantic region in fishing behaviors, history, and demographics. Florida has one of the fastest growing populations in the United States, estimated to increase each day by 750 to 1,000 new immigrants. Twenty-five percent of all vacation homes in the United States are located in Florida's coastal counties (Coastal Ocean Resource Economics 2005).

Along with being heavily populated on land, coastal waters off Florida are also heavily used by recreational users of all kinds. This growth of a leisured class occupying coastal areas has led, in part, to conflicts over natural resource access and use-rights. One example of this type of struggle was the conflict over the use of gillnets in state waters. The conflict culminated in a state-wide ban on the use of gillnets, which dealt a resounding blow to many Florida fishermen, ending in the loss of many commercial fishing properties and the displacement of many fishermen. There have also been conflicts between the "environmental community" and commercial fishermen over the closing of the *Oculina* Bank off of Florida's central coast, and the creation of both the Florida Keys National Marine Sanctuary and the Tortugas Sanctuary, both in the Keys.

The natural geography of Florida also sets it apart from other South Atlantic states, particularly in the area from central Florida through the Keys. The weather is amenable to fishing almost year round, though hurricanes in 2004 were particularly devastating and took a toll on all fisheries in the state, both east and west coast. There was also a cold water event that started near West Palm Beach in 2003, which moved up the east coast causing a substantial decline in Snapper Grouper fishing that year. The continental shelf is much narrower in Florida than elsewhere in the region, allowing fishermen to access deep waters quickly and return the same day. Finally, the species of Snapper Grouper available to fishermen in southern Florida are different than further north, with yellowtail snapper, gag and black grouper, and other alternative species such as stone crab, spiny lobster, dolphin, kingfish, and billfish allow a greater variety of both commercial and recreational fishing opportunities. These fisheries are important to many Florida communities identified by the Snapper Grouper Advisory Panel as shown in Figure 3-22.

Commercial Sector

Considering the high population growth rates and emphasis on a tourism economy in Florida, the commercial fishing sector in Florida is still robust in some areas. Although total landings and dollar values of all species landed on the Florida East coast have decreased from 1998 to 2003 (from nearly 30 million pounds worth approximately $44 million to approximately 23 million pounds worth $33 million dollars; SAFMC 2006), there is still a considerable commercial fishing presence in east Florida.

The table below (Table 3-62) shows the cumulative landings for 2005, 2006, 2007 for the top three communities in Florida for each species in this amendment. Although, the rankings can change from year to year, but the cumulative landings over a three year range can suggest which communities are most involved with the commercial harvest of each species.

Table 3-62: Source: Logbook data, SEFSC 2009.

	Location	Pounds	Location	Pounds	Location	Pounds
Gag	Mayport	319,605	Cocoa	265,628	Jacksonville Beach	220,562
Vermillion Snapper	Mayport	833,254	St. Augustine	294,860	Atlantic Beach	124,688

Black Sea Bass	Jacksonville	6,765	Fernandina Beach	6,541	Mayport	5,524
Snowy Grouper	Key West	269,315	Pt. Orange	195,872	Tavernier	114,877
Golden tilefish	Cocoa	1,109,657	Ft. Pierce	933,150	Pt. Orange	678,863
Red snapper	Mayport	173,390	St. Augustine	108,773	Jacksonville Beach	85,461
Black grouper	Key West	951,205	Key Largo	142,787	Summerland Key	142,634
Red grouper	Tavernier	86,261	Summerland Key	75,632	Miami	62,579
Warsaw grouper	Key West	22,781	Cocoa	3,525	Tavernier	2,110
Speckled hind	Key west	77,614	Cocoa	2,528	Tavernier	847

Recreational Sector

While the commercial fishing industry, though still strong, may be in decline, the recreational sector appears to be stable. Excluding the headboat sector, although the number of participants declined in 2004 to approximately 1.9 million from 2.2 million in 2003 and from a high of 2.6 million in 2001, the number of trips taken in 2003 and 2004 remained at approximately 21 million. In 2004, many homeports hosted at least one vessel holding both federal charter/headboat permits and federal unlimited commercial permits. Key West and Miami stand out, with 35 and 15 such vessels, respectively.

3.8.3.4.2 Cape Canaveral, Brevard County

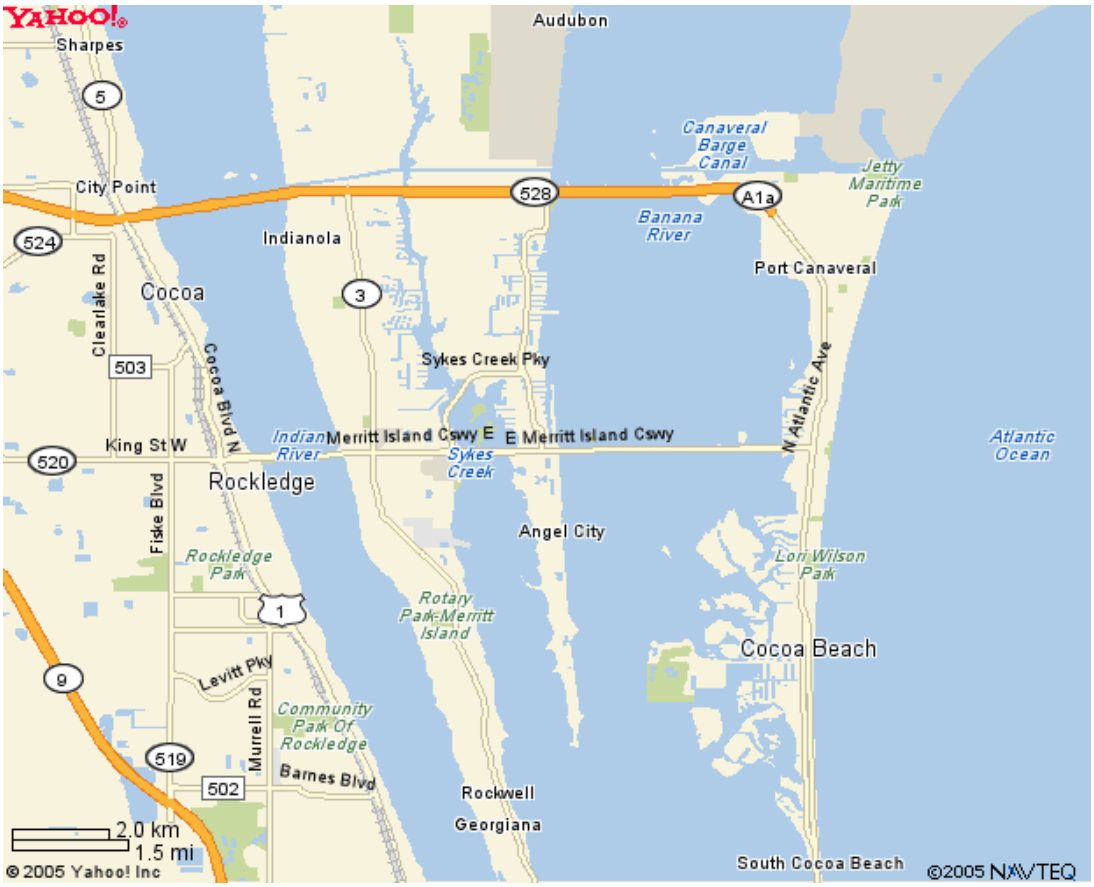


Figure 3-21. Area map of Cape Canaveral, Florida. Source: Yahoo Maps, http://www.yahoo.com.

A detailed history of Cape Canaveral, Florida, from its first habitation 10,000 years ago, its settlement by the United States in the early 1800s, the establishment of the Banana River Naval Air Station in World War II, to NASA's arrival in 1952, can be found in SAFMC (2006). A map of the area is shown in Figure 3-23.

Overview

Cape Canaveral has a fairly homogenous, aging population, with those 65 years and older growing from 16.1 percent of the population to 23.1 percent since 1990. Overall, educational attainment has increased. The number of persons who speak a language other than English at home has increased 2.5 percent, and fewer people have incomes below the poverty line. Unemployment has decreased, but fewer people are in the labor force today than in 1990, perhaps due to an aging population. The percentage of persons in a service occupation has grown from 14.1 percent to 20.4 percent, while there has been a sizeable decline in the percent of residents employed in forestry, mining, and fishing, from 2.7 percent in 1990 to 0.4 percent in 2000.

Fisheries in central Florida generally operate in two different environments, inshore river or inlet fishing with associated lagoons, which primarily attracts recreational fishing, and offshore areas, where commercial fishing primarily occurs. Popular inshore areas include the Indian, St. Johns, and Banana Rivers and associated lagoons. Commercial exploitation of the rivers and lagoons declined after implementation of the Florida net ban of 1994.

Many commercial fish houses have gone out of business or have shifted to selling imported products to supplement their local supplies. At the same time, the number of businesses possessing federal dealer permits has increased from about 180 in 1999 to a little over 200 in 2001. There is some industry speculation that the increasing number of dealer permits reflects increased decentralization in the domestic fishing markets and the need to increase profits by self-marketing.

Commercial Fishing

Cape Canaveral draws fishermen from Cocoa/Cocoa Beach, Merritt Island, Melbourne, and Titusville. These fishermen target many Snapper Grouper species, as well as coastal migratory pelagics such as mackerel, highly migratory species such as sharks and swordfish, and shellfish such as oysters, quahogs, and shrimp. Snowy grouper and tilefish (particularly golden or sand tilefish) landings exceed 10,000 pounds per year. Total commercial landings decreased, however, from 8.9 million pounds to 6.0 million pounds from 1998 to 2004 (SAFMC 2006).

The number of unlimited commercial permits in this area increased from nine in 1999 to 16 in 2004. The number of limited commercial permits fluctuated over this period, but ultimately declined from four permits in 1999 to one in 2004 (SAFMC 2006).

The number of Florida Saltwater Products Licenses issued to residents of Brevard County (where Cape Canaveral is located) decreased from 872 in 1998/99 to 492 in 2004/05 (SAFMC 2006). This license is needed to sell marine species in the state. There have also been declines in license sales for various crustacean fisheries.

Recreational Fishing

In 2004, Brevard county supported 36 bait and tackle stores, with five in Cape Canaveral, and 70 marinas with over 3,000 wet slips, indicating the importance of recreational fishing to the area. Fourteen fishing tournaments consistently occur in the area. Additional details about these businesses and tournaments can be found in SAFMC (2006).

As in other coastal areas of Florida, there is a fairly heavy presence in Brevard County of charter boat businesses, private marinas, and other associated businesses catering to the recreational fishing sector. The number of federally permitted charter/headboat vessels in Cape Canaveral increased from zero to seven from 1999 to 2004. According to Holland *et al.* (1999), there were approximately 32 charter boats and 2 headboats in the Canaveral/Melbourne area. Current estimates from permit files show at least 38 for-hire vessels with Snapper Grouper permits homeported in Cape Canaveral or Port Canaveral, which includes approximate four headboats.

That is likely a low estimate for total the total number of for-hire vessels in the area since it does not include vessels in the nearby Merritt Island and in the Cocoa/Cocoa Beach areas.

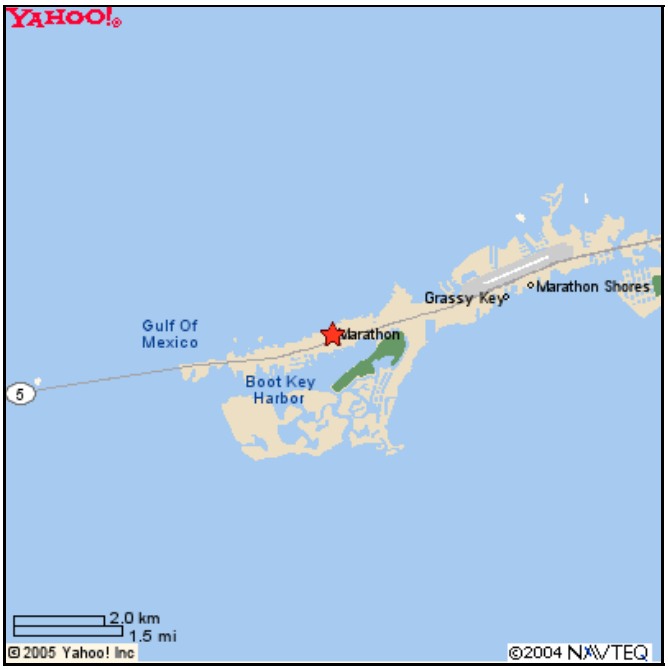


Figure 3-22. Marathon, Florida.
Source: Yahoo Maps, http://www.yahoo.com.

3.8.3.4.3 Marathon, Monroe County

A history of Marathon, detailing its settlement in the 1800s, the rise of industry, the effects of the Great Hurricane of 1935, the rise of tourism, and the importance of commercial fishing, can be found in SAFMC (2005). Figure 3-22 shows a map of Marathon, which lies in Monroe County.

Overview

Census data from 1990 and 2000 show there was an increase in overall population in Marathon from 8,857 in 1990 to 10,255 in 2000. During this period, the Hispanic population more than doubled, increasing from 1,040 to 2,095. This increase accounts for more than two thirds of the total population increase for the area. During this period of time, the median household income increased from approximately $25,000 to over $36,000.

Marathon has maintained a relatively high percentage of the total population, 4.1 percent in 2000, involved in farming, fishing, and forestry, though the percentage has declined from 8.7 percent in 1990. Since there is little commercial farming and forestry occurring in the area, the majority of percentage can be assumed to relate to fishing activities. The percentage of people that live below the poverty line decreased slightly from 15.1 percent in 1990 to 14.2 percent in 2000.

Commercial Fishing

In 1998, 184 Marathon residents were employed in fishing related industry according to the Census data, with 39 of those in the "fishing" category, 92 employed in "fish and seafood," and 47 employed by marinas (SAFMC 2006). The number of unlimited commercial permits held by community residents decreased from 65 permits to 44 permits between 1999 and 2004. Similarly, the number of limited commercial permits decreased from 43 permits to 31 permits.

Recreational Fishing

While most of the waters around Marathon are open to fishing, some areas have been set aside for eco-tourism and fish-viewing by divers and snorkelers. Sombrero Reef, said to be one of the most beautiful sections of North America's only living coral barrier reef, lies several miles offshore and is protected by the Florida Keys National Marine Sanctuary (http://www.fla-keys.com/marathon).

The importance of recreational boating and fishing to the economy of Marathon is shown by the businesses reliant upon it. As of 2004, there were at least 25 charter boat businesses, two party boat businesses, eight bait and tackle shops, and 27 marinas in the area. The number of vessels holding the federal charter/headboat permit increased from 16 in 1999 to 30 in 2004. In addition, there were seven fishing tournaments in Marathon. Most tournaments are centered on tarpon fishing. However, there are inshore and offshore fishing tournaments as well. These tournaments begin in February and run through June. Hotels and restaurants fill with participants and charters, guides and bait shops reap the economic benefits of these people coming to the area. These tournaments are positive economic pulses in the local economy, one that thrives on the existence of tourism and recreational fishing.

4 Environmental Impacts

Revisions to the Magnuson-Stevens Act in 2006 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing must establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee (SSC) or other established peer review processes. These FMPs also are required to establish within this time frame measures to ensure accountability. By 2011, FMPs for all other fisheries, except fisheries for species with annual life cycles, must meet these requirements.

NMFS guidelines define the following terms:

- Overfishing limit (OFL) means "the annual amount of catch that corresponds to the estimate of MFMT applied to a stock or stock complex's abundance and is expressed in terms of numbers or weight of fish.

- Acceptable biological catch (ABC) means "a level of a stock or stock complex's annual catch that accounts for the scientific uncertainty in the estimate of OFL and should be specified based on the ABC control rule.

- ACL means "the level of annual catch of a stock or stock complex that serves as the basis for invoking accountability measures." Setting the ACL provides an opportunity to divide the total ACL into sector-specific ACLs.

- Annual catch target (ACT) means "an amount of annual catch of a stock or stock complex that is the management target of the fishery. NMFS guidelines indicate that specifying an ACT is optional and up to the discretion of the Council. A stock or stock complex's ACT should usually be less than its ACL and results from the application of the ACT control rule. If sector-ACLs have been established, each one should have a corresponding sector-ACT."

- Accountability measures (AMs) means "management controls that prevent ACLs or sector-ACLs from being exceeded (in-season AMs), where possible, and correct or mitigate overages if they occur."

ABC Recommendations

The SSC provided OFL and ABC recommendations in terms of pounds of fish at their June 2008 meeting but the SSC did not have an ABC control rule to assist them with estimating ABC and indicated that they considered the values to be "interim" until more robust methods for estimating these parameters could be made available. For stock and stock complexes required to have an ABC, NMFS final guidelines recommends that each Council should establish an ABC control rule based on scientific advice from its SSC. At their December 2008 meeting, the SSC considered advice from the proposed NS1 guidelines and rescinded all estimates of ABC with the exception of an ABC = 0 for speckled hind and warsaw grouper. Furthermore, the SSC recommended at their December 2008 meeting that the ABC levels for snowy grouper, black sea bass, and red snapper be set consistent with the rebuilding plans for those species until they can

be further amended on better scientific information. The SSC met in March and June 2009 to identify protocol for determining ABCs, which will be included in the Comprehensive ACL amendment. At their June 2009 meeting, the SSC provided ABC recommendations for gag and vermilion snapper. For Gag, the ABC for 2010 includes 805,000 pounds for landings and 18,000 fish for dead discards, corresponding to a P* = 0.30 from "A probability-based approach to setting annual catch limits: Gag, *Mycteroperca microlepis*, off the Southeastern United States (Report to SSC 2007). The SEFSC provided an ABC for gag that includes landed catch and discards; this total ABC value is 805,000 pounds gutted weight for landings; 80,000 pounds gutted weight for dead discards, and 885,000 pounds gutted weight inclusive of landings and discards. For vermilion snapper, the SSC recommended ABC levels interpolated from Tables 3.19 and 3.20 of the Southeast Data Assessment and Review (SEDAR) vermilion assessment workshop report to obtain the P* value of 0.275. For 2010 this corresponds to 1,078,000 pounds whole weight for landings, 31,000 pounds whole weight for dead discards, and 1,109,000 pounds whole weight inclusive of landings and discards. The ABCs for landed catch for gag and vermilion snapper assumes the current level of discards would continue. The SSC stated at their March 2009 meeting that it does not support ABCs and ACLs that require the monitoring of discards.

The SSC recommended waiting for the results of the stock assessments for both black grouper and red grouper to determine ABC values for those species. The SSC did not provide an ABC value for golden tilefish because of the age of the assessment and lack of a current estimate of abundance.

Table 4-1. Values for Overfishing Level (OFL) and Acceptable Biological Catch (ABC) recommendations from the SSC.

Species	OFL	ABC
Black grouper[1]	OFL = MFMT	-
Black sea bass	OFL = MFMT	ABC = rebuilding plan
Gag[2]	OFL = MFMT	805,000 lbs gw (landed catch); 885,000 lbs gw (total kill)
Golden tilefish[3]	OFL = MFMT	-
Red grouper[1]	OFL = MFMT	-
Snowy grouper	OFL = MFMT	ABC = rebuilding plan
Speckled hind[5]	SSC Recommendation=Unknown	0
Vermilion snapper[4]	OFL = MFMT	1,078,000 lbs ww (landed catch); 1,109,000 lbs ww (total kill)
Warsaw grouper[5]	SSC Recommendation=Unknown	0

Note: Need to have SSC and Council resolve whether ABC should be based on landed catch that assumes a certain level of discards or total kill that incorporated landings and dead discards. SSC gave is total kill but indicates it does not support monitoring discards.

1. Given stock assessments have been scheduled for both black and red grouper, the SSC requested that estimates of the OFLs come from the Science Center. In Amendment 17B, the Council is considering establishing the commercial and recreational ACLs for black grouper and red grouper equivalent to (1) the expected catch resulting from management measures in Amendment 16 or (2) to the expected catch resulting from management measures in Amendment 16 and the gag ACL.

2. In December 2007, the SSC motion indicated that the values for gag are ABC=694,000 pounds and OFL=yield at MFMT. In June 2008, the SSC stated that for species assessed through SEDAR, ABC=yield at 75%F_{MSY} and OFL=yield at MFMT. In December 2008, the SSC withdrew the ABC and OFL recommendations for gag established at the June 2008 meeting. The SSC previously specified MFMT for gag in Amendment 16. At their June 2009 meeting, the SSC recommended an ABC = 805,000 pounds gutted weight in landed catch and 18,000 discarded fish.
3. At their June 2009 meeting, the SSC did not provide an ABC value for golden tilefish because of the age of the assessment and lack of a current estimate of abundance. The Council has determined that the current commercial quota of 331,000 pounds whole weight (295,000 pounds gutted weight) is the status quo commercial ACL. This value is set at the F_{MSY} level. The Council is considering alternatives for the commercial ACL that would be set at the F_{OY} level.
4. In December 2007, the SSC motion indicated that the values for vermilion snapper are ABC=628,459 pounds and OFL=yield at MFMT. In June 2008, the SSC stated that for species assessed through SEDAR, ABC=yield at 75%F_{MSY} and OFL=yield at MFMT. A new age-based assessment was completed for vermilion snapper in 2008. In December 2008, the SSC withdrew the ABC and OFL recommendations for vermilion established at the June 2008 meeting. The SSC previously specified MFMT for vermilion snapper in Amendment 16. At their June 2009 meeting, the SSC recommended an ABC = 1,109,000 lbs whole weight inclusive of landings and dead discards. The landed portion of this ABC is 1,078,000 lbs whole weight.
5. At their December 2008 meeting, the SSC recommended an ABC = 0 for speckled hind and warsaw grouper.

4.1 Speckled hind/warsaw grouper

Note: More than one alternative may be chosen as a preferred alternative.

Alternative 1 (Status Quo). Retain existing regulations for deepwater species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper) (Tables 4-2 and 4-3). Do not specify commercial and recreational ACLs, ACTS, or AMs. Existing regulations include: 622.32(4)(c)(3) one speckled hind per vessel per trip included in the 3 grouper aggregate bag limit, and one warsaw grouper per vessel per trip included in the 3 grouper aggregate bag limit. 622.45(d)(4) a warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

Alternative 2. Establish an ACL = 0 (landed catch only *added by the IPT*) for speckled hind and warsaw grouper. Prohibit all commercial and recreational fishing for, possession and retention of speckled hind and warsaw grouper.

The IPT suggests the council consider also choosing ***Alternative 2.*** *as a preferred since* ***Alternative 4 (Preferred)*** *does not prohibit harvest shoreward of 240 ft.*

Alternative 3. Establish an ACL = 0 (landed catch only *added by the IPT*) for speckled hind and warsaw grouper. Prohibit all commercial and recreational fishing for, possession, and retention of deepwater species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper).

Alternative 4 (Preferred). Establish an ACL = 0 (landed catch only *added by the IPT*) and prohibit all fishing for, possession, and retention of deepwater snapper species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper) beyond a depth of 240 feet (40 fathoms; 73 m).

The IPT suggested using a generalized boundary that closely follows the 240 ft. contour line in order to reduce the number of waypoint used for its delineation. See figure 4-2.

Figure 4-1 map of generalized 240 ft depth contour.

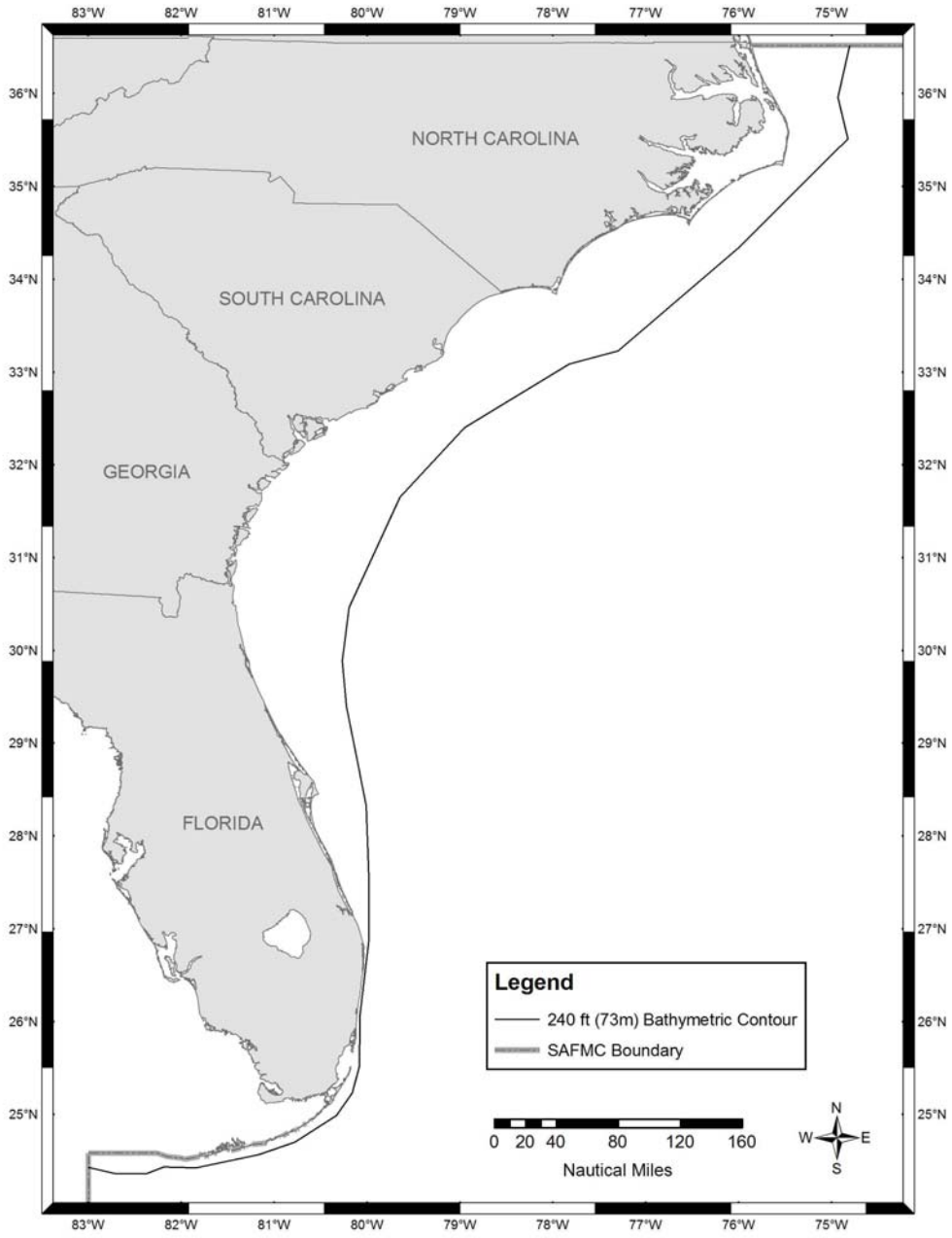


Table 4-2 waypoints used to delineate generalized 240 ft depth contour line.

Point	Latitude N (Degrees Minutes Seconds)	Longitude W (Degrees Minutes Seconds)
1	36°31'01"	74°48'10"
2	35°57'29"	74°55'49"
3	35°30'49"	74°49'17"
4	34°19'41"	76°00'21"
5	33°13'31"	77°17'50"
6	33°05'13"	77°49'24"
7	32°24'03"	78°57'03"
8	31°39'04"	79°38'46"
9	30°27'33"	80°11'39"
10	29°53'21"	80°16'01"
11	29°24'03"	80°13'28"
12	28°19'29"	80°00'27"
13	27°32'05"	79°58'49"
14	26°52'45"	79°58'49"
15	26°03'36"	80°04'33"
16	25°31'03"	80°04'55"
17	25°13'44"	80°09'40"
18	24°59'09"	80°19'51"
19	24°42'06"	80°46'38"
20	24°33'53"	81°10'23"
21	24°25'20"	81°50'25"
22	24°25'49"	82°11'17"
23	24°21'35"	82°22'32"
24	24°21'29"	82°42'33"
25	24°25'37"	83°00'00"

Alternative 5. Establish an ACL = 0 (landed catch only *added by the IPT*) and prohibit all fishing for, possession, and retention of deep water snapper grouper species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper) beyond a depth of 300 feet (50 fathoms; 92 m).

The IPT suggested using a generalized boundary that closely follows the 240 ft. contour line in order to reduce the number of waypoint used for its delineation. See figure 4-2

Figure 4-2 map of generalized 50 fathom depth contour.

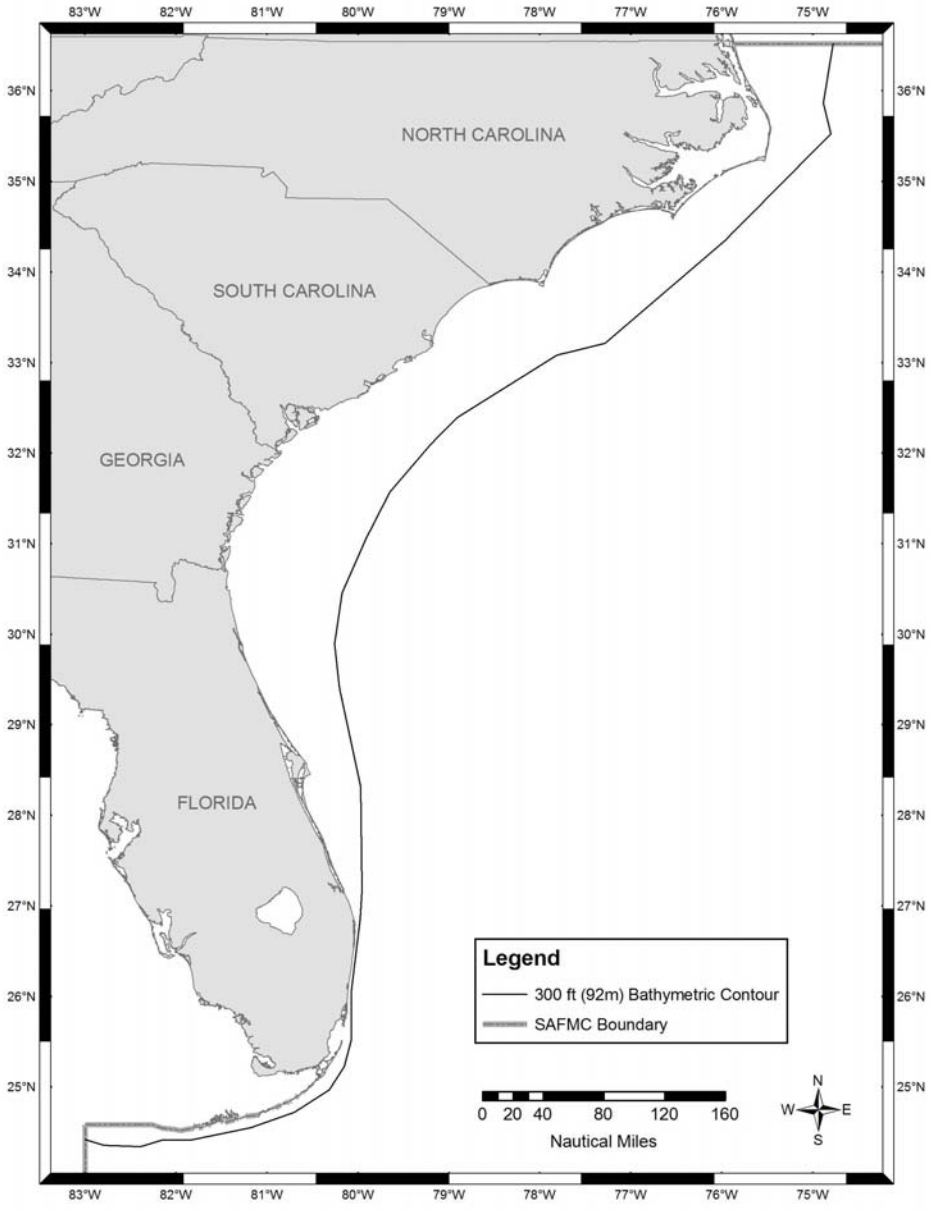


Table 4-3 waypoints used to delineate generalized 300 ft depth contour line.

Point	Latitude N (Degrees Minutes Seconds)	Longitude W (Degrees Minutes Seconds)
1	36°31'01"	74°46'21"
2	35°51'59"	74°52'52"
3	35°31'36"	74°47'57"
4	34°20'35"	75°57'53"
5	33°12'48"	77°16'60"
6	33°04'48"	77°48'37"
7	32°23'28"	78°54'32"
8	32°06'03"	79°11'41"
9	31°34'08"	79°38'57"
10	31°03'17"	79°54'37"
11	30°27'19"	80°10'34"
12	29°53'31"	80°15'25"
13	29°24'24"	80°12'13"
14	28°18'51"	79°58'12"
15	27°10'16"	79°57'23"
16	26°51'22"	79°58'25"
17	26°03'30"	80°04'19"
18	25°31'19"	80°04'28"
19	25°13'28"	80°09'02"
20	24°57'56"	80°18'48"
21	24°43'11"	80°41'59"
22	24°33'04"	81°10'52"
23	24°24'50"	81°50'05"
24	24°24'50"	82°09'16"
25	24°20'29"	82°23'23"
26	24°21'15"	82°47'46"
27	24°24'55"	83°00'00"

Table 4-4. Current commercial regulations for deepwater species.

	COMMERCIAL REGULATIONS					
SPECIES	SIZE LIMIT	LIMITED ACCESS	GEAR RESTRICTIONS	ANNUAL QUOTA (gutted weight)	TRIP LIMITS	AREA CLOSURES
Snowy Grouper		√	√	84,000 lbs	100 lbs	√
Golden Tilefish		√	√	295,000 lbs	4,000 lbs until 75% of quota taken; after 75%, trip limit reduced to 300 lbs. Do not adjust trip limit downwards unless percent specified is captured on or before September 1.	√
Blueline Tilefish		√	√			√

Yellowedge Grouper		√	√			√
Warsaw Grouper		√	√		1 per vessel per trip. No sale, trade, or transfer at sea	√
Speckled Hind		√	√		1 per vessel per trip. No sale, trade, or transfer at sea	√
Misty Grouper		√	√			√
Queen Snapper	12" TL	√	√			√
Silk Snapper	12" TL	√	√			√

Table 4-5. Current recreational regulations for deepwater species.

	RECREATIONAL REGULATIONS				
SPECIES	SIZE LIMIT	GEAR RESTRICTIONS	POSSESSION LIMIT	TRIP LIMITS	AREA CLOSURES
Snowy Grouper		√	1 per person per day. Included in 3 grouper per person per day.		√
Golden Tilefish		√	1 per person per day. Included in 3 grouper per person per day.		√
Blueline Tilefish		√	Included in 3 grouper per person per day.		√
Yellowedge Grouper		√	Included in 3 grouper per person per day.		√
Warsaw Grouper		√	Included in 3 grouper per person per day.	1 per vessel per trip. No sale, trade, or transfer at sea	√
Speckled Hind		√	Included in 3 grouper per person per day.	1 per vessel per trip. No sale, trade, or transfer at sea	√
Misty Grouper		√	Included in 3 grouper per person per day.		√
Queen Snapper	12" TL	√	Included in 10 snapper per person per day.		√
Silk Snapper	12" TL	√	Included in 10 snapper per person per day.		√

4.1.1 Biological Effects

Alternative 1 (Status Quo) would retain existing regulations for speckled hind and warsaw grouper. These regulations include: A 1 fish per vessel per trip limit for the recreational and commercial sectors within the 3 grouper per person per day aggregate bag limit; and a prohibition on the sale, trade, or transfer at sea. Effective July 29, 2009, Snapper Grouper Amendment 16 (74 FR 30964) reduced the grouper aggregate bag limit from 5 fish per person per day to 3 fish per person per day. The 2008 Report to Congress on the Status of U.S. Fisheries indicates both species speckled hind and warsaw grouper are experiencing overfishing but the overfished status is unknown.

Warsaw grouper and speckled hind are extremely vulnerable to overfishing because they are slow growing, long-lived, and change sex from female to male with increasing size and age. Furthermore, speckled hind is believed to form spawning aggregations, which can increase its vulnerability to fishing pressure. Assessment information is dated for both species. Warsaw grouper was assessed by catch curve analysis using data from 1988 and 1990 (Huntsman *et al.* 1992). Static SPR values for warsaw grouper were 0.2% and 6% for 1988 and 1990 fishing years, respectively. Speckled hind was assessed for the 1988, 1990, 1996, and 1999 fishing years (NMFS 1991; Huntsman *et al.* 1992; Potts and Brennan 2001). SPR values were 25%, 12%, 8%, and 5% for 1988, 1990, 1996, and 1999 fishing years, respectively. A study conducted by Ziskin (2008) indicated that total mortality and fishing mortality of speckled hind had increased since 1977-1993 suggesting that speckled hind continues to be overexploited, despite the 1994 regulation, and may not be reproductively resilient enough to recover from depressed population levels. Speckled hind and warsaw grouper are scheduled for SEDAR assessments in 2012.

No directed harvest of these species would be allowed under **Alternatives 2-5**, which specify an ACL of zero based on landed catch. Therefore, any mortality attributable to fishing activity, regardless of sector, would take the form of discard mortality. The SSC indicated at their March 2009 meeting, that it did not support ACLs for speckled hind and warsaw grouper that require monitoring of discards. Discards are self reported and involve a high degree of uncertainty. The SSC was concerned that many fishermen may not accurately report or under report speckled hind and warsaw grouper discards for fear of triggering an AM when an ACL based on discards was met. Setting the ACL at zero would prohibit all directed harvest and eliminate the need to track discards in order to implement an AM. Establishing an ACL of zero creates an implied AM in the form of a seasonal closure. By not allowing any directed harvest the season is considered closed year round. Furthermore, creating an ACL of zero is in essence establishing the most conservative catch limit possible, which by default, establishes an AM whereby no directed harvest of the species is allowed.

Discard mortality can limit the effectiveness of management measures such as limited access systems, trip limits, and minimum size limits, if fishermen catch and discard speckled hind and warsaw grouper when targeting co-occurring species. The snapper grouper ecosystem includes many species, which occupy the same habitat at the same time. While speckled hind and warsaw grouper are considered to be deepwater species, they occupy a broad depth zone and commonly co-occur with mid-shelf species such as vermilion snapper and gag as young fish. Warsaw grouper is usually found at depths from 55 to 525 m (180-1,722 ft) (Heemstra and Randall 1993) and juveniles are sometimes observed in inshore waters (Robins and Ray 1986), on jetties and shallow reefs. The speckled hind is found in depths from 25 m (98 ft) (Heemstra and Randall 1993) to 400 m (1,312 ft) (Bullock and Smith 1991) and juveniles commonly occur in shallower waters. Therefore, while speckled hind and warsaw grouper are not often targeted due to regulations, they are likely to be caught and suffer some mortality when regulated since they will be incidentally caught when fishermen target other co-occurring species. This incidental catch of speckled hind and warsaw grouper may be responsible for continued overfishing of these species. At their June 2008 meeting, the SSC recommended an ABC equal to 0 for speckled

hind and warsaw grouper. The SSC indicated the ABC equal to 0 refers to harvest and not total removals (December 2008 SSC Report).

Alternative 2 would prohibit all possession and retention of speckled hind and warsaw grouper. This alternative would have a greater biological effect than **Alternative 1 (Status Quo)** if there is some targeting of these species. However, if all catch of speckled hind and warsaw grouper is incidental to targeting co-occurring species, then the biological effect would be similar to **Alternative 1 (Status Quo)** with the exception that the magnitude of discards would be increased (Table 4-6). Since most speckled hind and warsaw grouper are generally caught at depths of 160 feet (49 m) and greater, the release mortality would be expected to be high. McGovern *et al.* (2005) estimated release mortality rates of about 50 percent for gag caught at depths of 50 m (164 feet; Figure 4-3). The relationship between depth and mortality has not been specified for speckled hind and warsaw grouper. However, if depth related release mortality of speckled hind and warsaw grouper is similar to gag, some survival of speckled hind and warsaw grouper discarded in shallower depths would be expected. Thus, a requirement for fishermen to discard all speckled hind and warsaw grouper would be expected to reduce fishing mortality.

Table 4-6. Magnitude of discards under Alternatives 2-4 relative to the number of discards under status quo Alternative 1. Status quo represents average number of discards from commercial, headboat, and MRFSS during 2005-2008.

Estimated Level of Discards	Status Quo	Alt 2	Alt 3	Alt 4	Alt 4, which excludes Blueline Tilefish
Snowy Grouper	1,447	ND	---	--	-
Blueline Tilefish	5,107	ND	---	--	ND
Yellowedge Grouper	18	ND	---	--	-
Warsaw Grouper	80	+	---	--	-
Speckled Hind	3,627	+	---	--	-
Misty Grouper	0	ND	ND	ND	ND
Queen Snapper	2	ND	ND	ND	ND
Silk Snapper	530	ND	---	--	-

(+) increased discards; (-) reduced discards; (--) significantly reduced discards; (---) largest reduction in discards; (ND) no difference in magnitude of discards.

Alternative 3 would prohibit all fishing for, possession, and retention of deepwater species including snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper. During 2005-2008, commercial and recreational landings of blueline tilefish were highest among the species considered in **Alternative 3** and **Alternative 4 (Preferred)**. Second in abundance was snowy grouper, which had restrictions imposed through Amendment 13C limiting the commercial trip to 100 lbs gutted weight with a 84,000 pound gutted weight commercial quota and restricting the bag limit to 1 fish per person within the grouper aggregate. In comparison, catches of the remaining species were small (Table 4-7).

Table 4-7. Average landings (pounds whole weight) of snowy grouper, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, golden tilefish, blueline tilefish, queen snapper, and silk snapper during 2005-2008.

Species	Commercial	Headboat	Charter Boat	Other Rec
SNOWY GROUPER	193,962	671	59,642	470
YELLOWEDGE GROUPER	52,063	30	428	0
WARSAW GROUPER	2,267	1,034	2,285	7,922
SPECKLED HIND	15,765	1,207	1,283	470
MISTY GROUPER	1,697	1	0	0
BLUELINE TILEFISH	207,169	513	179,644	88,635
QUEEN SNAPPER	6,444	0	0	352
SILK SNAPPER	24,207	2,131	399	263

Analysis of logbook data indicates shallow water groupers such as red grouper and gag as well as deepwater species like snowy grouper, yellowedge grouper, speckled hind, and blueline tilefish were taken on commercial trips with warsaw grouper during 2005-2008 (Table 4-8a). In contrast, mid-shelf species such as vermilion snapper, scamp, red grouper, black grouper, and gag were much more commonly taken on commercial trips with speckled hind than deepwater species (Table 4-8b). Due to this co-occurrence of deepwater species with mid-shelf species, some discards of deepwater species would be expected under **Alternative 3**. However, of the alternatives considered, **Alternative 3** would provide the greatest reduction in the magnitude of discarded speckled hind and warsaw grouper.

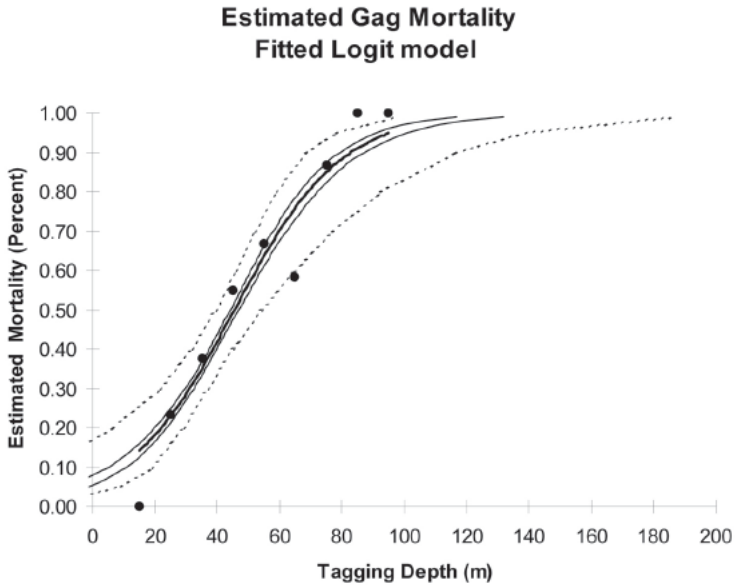


Figure 4-3. Figure 3 from McGovern et al (2005). Logit analysis of gag recapture rate with depth showing estimated depth-related mortality (thick line) as well as 95% (thin lines) and 99% (dashed lines) confidence intervals.

In the recreational sector, deepwater species were very rarely taken on trips when either warsaw grouper or speckled hind were caught (Tables 4-8c to 4-8f). Currently, prohibiting possession of all deepwater species might not provide much reduction in incidental catch of warsaw grouper and speckled hind, particularly in the recreational sector because most speckled hind and warsaw grouper are taken as juveniles in the shallow part of their depth range. Measures to limit catch of

mid-shelf species would be more likely to have a greater biological benefit in reducing mortality of warsaw grouper and speckled hind. However, as biomass of speckled hind and warsaw grouper is likely depressed, older fish, which would be found in deeper water, are probably uncommon. As populations of speckled hind and warsaw grouper recover and older fish become more established, a greater co-occurrence of these species with other deepwater species like snowy grouper and blueline tilefish would be expected.

At their June 2009 meeting, the Council decided not to include golden tilefish in the list of deepwater species that would be affected under **Alternative 3-5**. because golden tilefish are usually caught over mud habitat in depths of 180 m to 300 m, (Low *et al.* 1983; Able *et al.* 1993), with depths of ~200 m being most common (Dooley 1978). Speckled hind and warsaw grouper prefer rocky habitats and are not found over mud (Heemstra and Randall 1993). Examination of logbook and MRFSS data indicates warsaw grouper and speckled hind were very rarely taken on trips with golden tilefish during 2005-2008 (Tables 4-8a and 4-8b). However, because sale of warsaw grouper and speckled hind is prohibited, logbook data might not accurately reflect the actual catch of these species.

Longline gear is sometimes set over rocky bottom in 180 m to 300 m where snowy grouper, blueline tilefish, and blackbelly rosefish are caught. On these sets, golden tilefish are also caught in areas where longline gear crosses over mud habitat. While few speckled hind and warsaw grouper are taken on trips with golden tilefish, there is a chance catch these species could occur when fishing gear is set over rocky habitat and mud. However, it is likely fishermen can avoid these areas when targeting golden tilefish. Low *et al.* (1983) identified areas of strictly mud habitat off of South Carolina and Georgia where golden tilefish occur (Figure 4-2). Sampling conducted by the Marine Resources Monitoring Assessment and Prediction (MARMAP) program in mud habitat identified by Low *et al.* (1983) has never yielded any speckled hind or warsaw grouper (unpublished MARMAP cruise reports). Able *et al.* (1993) has identified areas of tilefish mud habitat off the east coast of Florida.

Speckled hind and warsaw grouper probably migrate to deeper water as they grow and mature (McGovern *et al*. 2002; McGovern *et al*. 2005). Ziskin (2008) reported there was a positive relationship between depth and length for speckled hind examined during 1977 to 1993. Furthermore, like other grouper species, speckled hind and warsaw grouper change sex from female to male as they age (Ziskin 2008). Both of these biological characteristics make them vulnerable to negative impacts of fishing pressure, such as altering the male-female ratio, and elimination of the most fecund members of a stock due to selective removal of the largest individuals. Ziskin (2008), reported a significant decline in the mean age and length from 1977 to 1993 and 2004 to 2007 and suggested larger and older fish have been removed from the speckled hind population. Therefore, it is necessary to implement management measures focused on protecting older individuals in the population. In doing so, an adequate number of spawning age adults would be available to ensure enough larvae are produced to form healthy juvenile populations in shallower depths. In turn, the population of fish migrating offshore, as they become sexually mature adults, would also increase.

Alternative 4 (Preferred) would prohibit fishing for deepwater species beyond a depth of approximately 40 fathoms (240 feet). This depth contour is described by the waypoints provided

in Table 4-2 and is illustrated in Figure 4-2. Closing the area beyond 240 feet **(Alternative 4 (Preferred)**, to deepwater snapper grouper fishing, would provide protection to the largest, most fecund fish and ensure a natural sex ratio into the future. Speckled hind are thought to form spawning aggregations, which can be susceptible to targeted fishing pressure (G. Gilmore, Dynamac Corporation, personal communication). Prohibiting all harvest of deepwater snapper grouper species beyond 240 feet would also protect these spawning aggregations, as well as decrease bycatch mortality of speckled hind, warsaw grouper, and other co-occurring deepwater snapper grouper species. The biological effects of **Alternative 5** would be very similar to those under **Alternative 4 (Preferred)**. However, under **Alternative 5** the prohibition on fishing for deepwater species and associated protections would be pushed out to 300 ft. Overall biological benefits would be slightly less under **Alternative 5** when compared to the preferred alternative.

Blueline tilefish dominated the commercial and recreational landings of the deepwater species being considered under **Alternative 3** and **Alternative 4 (Preferred)** during 2005 to 2008. If **Alternatives 3-5** applied to all deepwater species except blueline tilefish and golden tilefish, discards of other deepwater species, particularly snowy grouper, would be expected to occur. Table 4-9a indicates that snowy grouper and yellowedge grouper were taken on 76% and 16% of commercial trips, respectively, when at least one pound of blueline tilefish or golden tilefish was taken. Other deepwater species including speckled hind, silk snapper, queen snapper, misty grouper, and warsaw grouper were also caught but less frequently than snowy grouper. Snowy grouper and yellowedge grouper were taken on 36% and 11% of commercial trips, respectively, when at least one pound of golden tilefish was caught (Table 4-8a). Other deepwater species were infrequently taken on trips with golden tilefish.

Snowy grouper was the most common species taken on commercial trips when at least one pound of blueline tilefish was taken (77% of commercial trips). Other deepwater species were more frequently taken on trips with blueline tilefish than golden tilefish (Table 4-9b). Snowy grouper were very commonly taken on trips with blueline tilefish regardless of state landed (Table 4-9c). Other deepwater species were more commonly taken with blueline tilefish on commercial trips that occurred off of Florida and Georgia (Table 4-9d). Snowy grouper was the only deepwater species taken on recreational trips when at least one blueline tilefish was caught (Tables 9d and 9e).

Analysis indicates **Alternatives 3-5** would likely reduce the incidental catch of deepwater species including warsaw grouper and speckled hind. The biological benefits of these alternatives would likely be realized in the long-term rather than the near-term since inshore fishing would still be allowed, and recreational fishing (typically occurring inshore) accounts for the greatest percentage of overall harvest of speckled hind and warsaw grouper. Perceptible biological benefits may be seen once members of the current juvenile population ages and migrates to deeper water where they would be protected. **Alternative 4 (Preferred)** would yield less immediate biological benefit than **Alternatives 3** since recreational fishing for juvenile deepwater species in waters shallower than 240 feet would still occur. **Alternative 5** would incur the lowest level of negative socioeconomic impact since fishing for deepwater snapper grouper species in shallower areas would be allowed, and the prohibition on fishing for deepwater snapper-grouper species would occur beyond the depth of 300 feet compared to a depth of 240 feet under **Alternative 4 (Preferred),** while still rebuilding the stocks. The

biological benefits of the alternatives analyzed can be ranked in the following order from the lowest level of biological benefit to the highest: **Alternative 1 (Status Quo)**, **Alternative 2**, **Alternative 5, Alternative 4 (Preferred)**, **Alternative 3**.

Alternative 1 (Status Quo) will perpetuate the existing level of risk for interactions between ESA-listed species and the fishery. **Alternatives 2-5** are unlikely to have adverse affects effects on ESA-listed species, including recently listed *Acropora*. Previous ESA consultations determined the snapper grouper fishery was not likely to adversely affect these species (See **Section 3.5**). These alternatives are unlikely to alter fishing behavior in a way that would cause new adverse affects effects to *Acropora species.* The impacts from **Alternatives 2-5** on sea turtles and smalltooth sawfish are unclear. If establishing an ACL = 0 simply perpetuates the existing amount of fishing effort, but causes an effort redistribution, any potential effort shift is unlikely to change the level of interaction between sea turtles and smalltooth sawfish and the fishery as a whole. If these alternatives reduce the overall amount of fishing effort in the fishery, the risk of interaction between sea turtles and smalltooth sawfish will likely decrease.

Table 4-8a. Species taken on commercial trips during 2005-2008 when at least 1 pound of warsaw grouper was caught.

COMMON	% Trip	% Wt
GROUPER,WARSAW	100.00%	3.46%
SNAPPER,SILK	61.54%	6.20%
TILEFISH,BLUELINE	58.97%	7.15%
GROUPER,SNOWY	58.97%	5.99%
HIND,SPECKLED	53.85%	8.96%
SCAMP	51.28%	3.37%
GROUPER,YELLOWEDGE	46.15%	14.65%
GROUPER,RED	43.59%	16.89%
AMBERJACK,GREATER	41.03%	5.69%
GROUPER,BLACK	35.90%	5.93%
SNAPPER,MUTTON	33.33%	4.03%
SNAPPER,BLACKFIN	30.77%	1.40%
SNAPPER,QUEEN	30.77%	0.82%
TILEFISH	7.69%	2.09%
31 others		13.37%

Table 4-8b. Species taken on commercial trips during 2005-2008 when at least 1 pound of speckled hind was caught during 2004-2006.

COMMON	% Trip	% Wt
HIND,SPECKLED	100.00%	7.02%
SCAMP	70.75%	6.10%
GROUPER,RED	70.29%	13.54%
SNAPPER,VERMILION	66.44%	11.78%
TRIGGERFISH,GRAY	46.71%	2.41%
PORGY,RED,UNC	45.35%	1.17%
GRUNTS	39.91%	2.16%

COMMON	% Trip	% Wt
JACK,ALMACO	37.41%	1.72%
GROUPER,BLACK	33.79%	3.96%
AMBERJACK,GREATER	33.79%	2.93%
SEA BASSE,ATLANTIC,BLACK,UNC	33.33%	0.54%
PORGY,JOLTHEAD	29.25%	0.53%
GROUPER,GAG	28.12%	4.42%
GROUPER,SNOWY	27.89%	5.64%
KING MACKEREL	27.21%	0.97%
DOLPHINFISH	24.72%	0.61%
SNAPPER,RED	23.36%	1.03%
HOGFISH	23.36%	0.50%
TILEFISH,BLUELINE	21.77%	4.32%
GROUPER,YELLOWEDGE	18.82%	13.59%
SNAPPER,MUTTON	18.59%	1.08%
GRUNT,WHITE	16.55%	0.50%
SNAPPER,SILK	15.42%	2.58%
FINFISHES,UNC FOR FOOD	14.51%	0.15%
TRIGGERFISH,OCEAN	12.24%	0.82%
SNAPPER,QUEEN	7.03%	0.38%
TILEFISH	4.76%	2.53%
GROUPER,WARSAW	4.76%	0.45%
59 others		6.57%

Table 4-8c. Species taken on headboat trips during 2005-2008 when at least 1 warsaw grouper was caught.

Species	% Trips	% Number
Warsaw grouper	100.00%	1.13%
Red snapper	71.27%	3.25%
Black sea bass	57.46%	10.88%
Gag	54.14%	0.77%
Gray triggerfish	48.62%	4.94%
Sharpnose shark	46.96%	2.53%
Vermilion snapper	45.30%	29.06%
Gray snapper	39.78%	2.50%
Lane snapper	37.57%	2.11%
King mackerel	35.91%	1.23%
Tomtate	28.73%	4.25%
Scamp	23.76%	1.40%
Cobia	18.23%	0.23%
Red porgy	17.13%	4.91%
Greater amberjack	17.13%	0.64%
Whitebone porgy	16.02%	0.57%
Yellowtail snapper	16.02%	7.87%
Red grouper	16.02%	0.17%

Species	% Trips	% Number
White grunt	16.02%	8.62%
Dolphin	14.92%	0.32%
Mutton snapper	14.36%	2.86%
Little tunny	13.26%	0.40%
Flounder	12.71%	0.32%
Great barracuda	12.71%	0.26%
Snowy grouper	4.97%	0.08%
Silk snapper	3.87%	1.07%
55 others		7.63%

Table 4-8d. Species caught on headboat trips during 2005-2008 when at least 1 speckled hind was caught.

Species	% Trips	% Number
Speckled hind	100.00%	0.60%
Gray triggerfish	76.60%	3.49%
Vermilion snapper	73.26%	50.54%
Scamp	66.02%	2.39%
Red porgy	62.95%	10.44%
Greater Amberjack	55.71%	0.51%
White grunt	54.32%	5.36%
King mackerel	52.92%	0.38%
Knobbed porgy	51.81%	0.96%
Gag	51.25%	0.26%
Tomtate	51.25%	4.97%
Almaco jack	51.25%	1.66%
Sharpnose shark	50.42%	0.57%
Graysby	46.80%	1.44%
Whitebone porgy	44.01%	0.80%
Yellowtail snapper	41.23%	2.26%
Red snapper	38.44%	0.66%
Red grouper	37.33%	0.25%
Black sea bass	36.77%	2.81%
Dolphin	35.65%	0.30%
Squirrelfish	33.70%	0.26%
Banded rudderfish	31.20%	2.79%
Little tunny	30.08%	0.21%
Bigeye	29.25%	0.39%
Gray snapper	24.51%	0.70%
Rock hind	24.51%	0.16%
Great barracuda	23.68%	0.06%
Queen triggerfish	22.28%	0.14%
Cubera snapper	21.73%	0.12%
Cobia	21.73%	0.05%
Remora	20.06%	0.01%

Species	% Trips	% Number
Jolthead porgy	19.78%	0.30%
Mutton snapper	19.22%	0.95%
Lane snapper	13.09%	0.62%
Blue runner	13.09%	0.21%
Black grouper	10.58%	0.04%
Silk snapper	6.69%	0.26%
Snowy grouper	5.85%	0.03%
56 others		2.05%

Table 4-8e. Species taken on MRFSS trips during 2005-2008 when at least 1 warsaw grouper was caught. (Represents sample, not total catch)

species	% Trips	% Number
warsaw grouper	100.00%	7.25%
vermilion snapper	40.00%	35.51%
red snapper	30.00%	7.25%
almaco jack	20.00%	7.25%
gag	20.00%	3.62%
greater amberjack	20.00%	0.72%
red porgy	20.00%	3.62%
scamp	20.00%	0.72%
white grunt	20.00%	2.17%
amberjack genus	10.00%	0.72%
atlantic sharpnose shark	10.00%	0.00%
black sea bass	10.00%	0.72%
blue runner	10.00%	0.72%
dolphin	10.00%	2.90%
gray triggerfish	10.00%	2.17%
king mackerel	10.00%	2.90%
little tunny	10.00%	0.72%
lizardfish family	10.00%	0.00%
mullet genus	10.00%	14.49%
mutton snapper	10.00%	1.45%
queen triggerfish	10.00%	0.72%
rock hind	10.00%	0.72%
snowy grouper	10.00%	0.72%
spottail pinfish	10.00%	2.17%
spotted moray	10.00%	0.00%
yellowedge grouper	10.00%	0.72%

Table 4-8f. Species taken on MRFSS trips during 2005-2008 when at least 1 speckled hind was caught. (Represents sample, not total catch)

species	% Trips	% Number
speckled hind	100.00%	4.42%
vermilion snapper	41.67%	25.87%

species	% Trips	% Number
red porgy	33.33%	8.83%
gray triggerfish	29.17%	3.79%
yellowtail snapper	29.17%	0.32%
dolphin	20.83%	11.04%
white grunt	20.83%	5.36%
black sea bass	12.50%	3.15%
gag	12.50%	2.21%
king mackerel	8.33%	2.52%
red snapper	8.33%	1.58%
scamp	8.33%	0.63%
spottail pinfish	8.33%	3.47%
almaco jack	4.17%	0.95%
banded rudderfish	4.17%	1.58%
bluefish	4.17%	0.00%
bluestriped grunt	4.17%	0.32%
bulleye	4.17%	0.32%
cobia	4.17%	0.00%
creole-fish	4.17%	0.00%
great barracuda	4.17%	0.32%
herring family	4.17%	9.46%
knobbed porgy	4.17%	0.95%
lane snapper	4.17%	0.00%
leatherjacket family	4.17%	0.00%
little tunny	4.17%	0.00%
margate	4.17%	0.32%
sand tilefish	4.17%	1.58%
sea bass family	4.17%	0.00%
snowy grouper	4.17%	10.73%
spanish mackerel	4.17%	0.32%
unidentified fish	4.17%	0.00%

Table 4-9a. Species taken of commercial trips during 2005-2008 when at least 1 pound of golden tilefish was caught.

COMMON	% Trip	% Wt
TILEFISH	100.00%	65.03%
GROUPER,SNOWY	32.15%	9.69%
TILEFISH,BLUELINE	16.46%	3.82%
DOLPHINFISH	14.87%	0.86%
KING MACKEREL	13.98%	1.37%
GROUPER,YELLOWEDGE	11.33%	2.55%
BLACK BELLIED ROSEFISH	8.44%	4.20%
AMBERJACK,GREATER	6.25%	1.15%
SNAPPER,VERMILION	4.84%	0.92%

COMMON	% Trip	% Wt
HAKE,ATLANTIC,RED & WHITE	4.48%	0.25%
BLUE RUNNER	4.13%	0.06%
SNAPPER,SILK	1.53%	0.19%
HIND,SPECKLED	1.24%	0.28%
SNAPPER,QUEEN	1.18%	0.09%
GROUPER,WARSAW	0.18%	0.02%
GROUPER,MISTY	0.18%	0.00%
78 Others		9.52%

Table 4-9b. Species taken on MRFSS trips during 2005-2008 when at least 1 golden tilefish was caught.

species	% Trips	% Number
tilefish	100.00%	60.04%
black sea bass	45.83%	15.98%
dolphin	25.00%	5.02%
gray triggerfish	8.33%	4.61%
snowy grouper	25.00%	3.89%
spottail pinfish	4.17%	1.54%
vermilion snapper	8.33%	1.43%
king mackerel	20.83%	1.23%
white grunt	4.17%	1.23%
red porgy	8.33%	0.92%
tautog	4.17%	0.82%
silk snapper	4.17%	0.61%
12 Others		2.65%

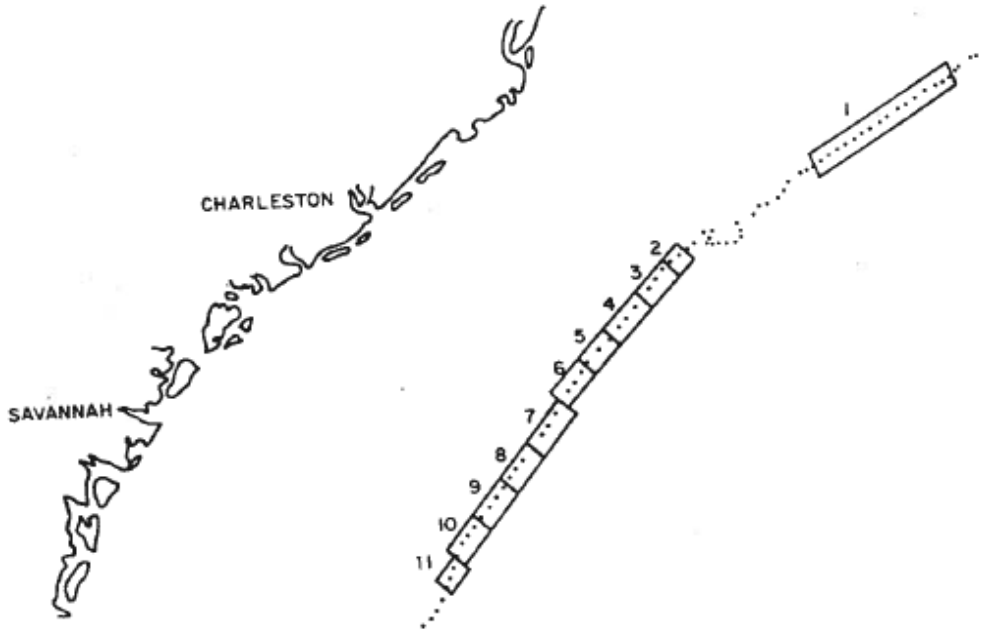


Figure 4-4. Locations off SC and GA where golden tilefish are taken. Areas 2 through 11 represent mud habitat.
Source: Figure 1 from Low *et al.* (1983).

Table 4-10a. Species taken of commercial trips during 2005-2008 when at least 1 pound of blueline tilefish or golden tilefish was caught.

COMMON	% Trip	% Wt
TILEFISH,BLUELINE	100.00%	13.70%
GROUPER,SNOWY	76.84%	9.71%
TILEFISH	58.67%	25.20%
SNAPPER,VERMILION	36.07%	9.04%
DOLPHINFISH	31.57%	1.49%
GROUPER,RED	30.63%	3.13%
SCAMP	30.22%	3.37%
PORGY,RED,UNC	24.65%	0.97%
TRIGGERFISH,GRAY	24.40%	2.29%
AMBERJACK,GREATER	22.74%	2.98%
JACK,ALMACO	22.36%	1.72%
KING MACKEREL	20.60%	1.14%
GROUPER,GAG	20.08%	3.41%
SEA BASSE,ATLANTIC,BLACK,UNC	19.66%	1.22%
SNAPPER,RED	18.17%	0.81%
GROUPER,YELLOWEDGE	16.10%	2.38%
BLACK BELLIED ROSEFISH	11.46%	1.71%
GROUPER,BLACK	10.97%	1.52%

COMMON	% Trip	% Wt
HIND,ROCK	9.10%	0.15%
BARRELFISH	8.97%	0.63%
GRUNTS	8.90%	0.36%
PORGY,JOLTHEAD	8.72%	0.19%
HIND,RED	8.41%	0.09%
SNAPPER,MUTTON	8.20%	0.41%
EELS,UNC	6.51%	0.09%
SNAPPER,YELLOWTAIL	6.47%	0.46%
GRUNT,WHITE	6.47%	0.16%
FINFISHES,UNC FOR FOOD	6.02%	0.19%
SQUIRRELFISHES	5.99%	0.05%
SNAPPER,QUEEN	5.23%	0.25%
BLUEFISH	5.16%	3.65%
BANDED RUDDERFISH	5.16%	0.29%
BLUE RUNNER	5.16%	0.06%
SNAPPER,MANGROVE	5.12%	0.06%
AMBERJACK,LESSER	5.02%	0.28%
COBIA	4.78%	0.10%
SNAPPER,SILK	4.57%	0.61%
HOGFISH	4.36%	0.10%
HAKE,ATLANTIC,RED & WHITE	4.26%	0.11%
BARRACUDA	4.05%	0.07%
MARGATE	4.05%	0.05%
WAHOO	3.46%	0.06%
HIND,SPECKLED	3.39%	0.70%
GROUPER,MISTY	1.42%	0.12%
GROUPER,WARSAW	0.83%	0.06%
96 Others		4.86%

Table 4-10b. Species taken of commercial trips during 2005-2008 when at least 1 pound of blueline tilefish was caught.

COMMON	% Trip	% Wt
TILEFISH,BLUELINE	100.00%	18.15%
GROUPER,SNOWY	66.49%	11.81%
SNAPPER,VERMILION	33.96%	11.79%
GROUPER,RED	29.91%	4.10%
SCAMP	29.73%	4.41%
DOLPHINFISH	25.51%	1.78%
PORGY,RED,UNC	23.78%	1.28%
TRIGGERFISH,GRAY	23.75%	2.96%
JACK,ALMACO	21.56%	2.25%
AMBERJACK,GREATER	20.15%	3.62%
GROUPER,GAG	19.28%	4.42%
SEA BASSE,ATLANTIC,BLACK,UNC	19.11%	1.61%

COMMON	% Trip	% Wt
SNAPPER,RED	17.62%	1.05%
GROUPER,YELLOWEDGE	14.61%	3.08%
KING MACKEREL	13.53%	0.85%
GROUPER,BLACK	10.76%	2.01%
BLACK BELLIED ROSEFISH	10.38%	2.07%
TILEFISH	9.66%	6.86%
HIND,ROCK	9.03%	0.20%
GRUNTS	8.72%	0.48%
PORGY,JOLTHEAD	8.52%	0.24%
BARRELFISH	8.34%	0.78%
HIND,RED	8.20%	0.11%
SNAPPER,MUTTON	7.34%	0.52%
EELS,UNC	6.40%	0.12%
GRUNT,WHITE	6.23%	0.21%
FINFISHES,UNC FOR FOOD	5.88%	0.25%
SNAPPER,YELLOWTAIL	5.85%	0.53%
SQUIRRELFISHES	5.78%	0.06%
SNAPPER,QUEEN	5.09%	0.33%
BLUEFISH	4.95%	4.83%
AMBERJACK,LESSER	4.92%	0.34%
BANDED RUDDERFISH	4.88%	0.38%
SNAPPER,MANGROVE	4.81%	0.08%
SNAPPER,SILK	4.47%	0.80%
COBIA	4.40%	0.12%
HOGFISH	4.33%	0.14%
HIND,SPECKLED	3.32%	0.93%
GROUPER,MISTY	1.38%	0.15%
GROUPER,WARSAW	0.80%	0.08%
96 Others		4.22%

Table 4-10c. Species taken of commercial trips during 2005-2008 when at least 1 pound of blueline tilefish was caught.

	Florida and Georgia		South Carolina		North Carolina	
COMMON	% Trip	% Wt	% Trip	% Wt	% Trip	% Wt
TILEFISH,BLUELINE	100.00%	8.62%	100.00%	5.74%	100.00%	31.47%
GROUPER,SNOWY	66.70%	13.41%	73.46%	13.13%	64.23%	10.05%
GROUPER,YELLOWEDGE	19.49%	9.94%	21.38%	1.35%	8.50%	0.20%
TILEFISH	13.02%	10.28%	21.87%	14.17%	3.18%	0.27%
SNAPPER,QUEEN	13.02%	1.27%	0.00%	0.00%	0.00%	0.00%
SNAPPER,SILK	9.12%	2.76%	0.74%	0.07%	1.70%	0.12%
HIND,SPECKLED	6.20%	3.44%	3.19%	0.07%	0.96%	0.01%
GROUPER,WARSAW	2.04%	0.32%	0.00%	0.00%	0.00%	0.00%
GROUPER,MISTY	0.00%	0.00%	1.47%	0.06%	0.15%	0.01%

Table 4-10d. Species caught on headboat trips during 2005-2008 when at least 1 blueline tilefish was caught.

Species	% Trips	% Number
Blueline tilefish	100.00%	3.17%
Gray triggerfish	70.00%	19.59%
Sharpnose shark	46.00%	0.31%
Vermilion snapper	42.00%	38.55%
Black sea bass	36.00%	12.87%
Snowy grouper	32.00%	0.55%
Red porgy	30.00%	6.85%
Greater amberjack	28.00%	0.17%
King mackerel	28.00%	0.31%
Yellowtail snapper	26.00%	1.85%
Gag	26.00%	0.15%
Bigeye	26.00%	0.36%
Squirrelfish	24.00%	0.29%
Jolthead porgy	20.00%	0.53%
White grunt	20.00%	7.33%
Gray snapper	18.00%	0.96%
Blue runner	18.00%	0.23%
Dolphin	18.00%	0.50%
Almaco jack	16.00%	0.55%
Wahoo	16.00%	0.07%
Knobbed porgy	14.00%	0.25%
Red snapper	12.00%	0.05%
Red grouper	12.00%	0.37%
Tomtate	12.00%	1.01%
Little tunny	12.00%	0.13%
Whitebone porgy	10.00%	0.21%
Mutton snapper	10.00%	0.04%
Bank sea bass	10.00%	0.04%
32 others		2.73%

Table 4-10e. Species taken on MRFSS trips during 2005-2008 when at least 1 blueline tilefish was caught.

Species	% Trips	% Number
tilefish family	100.00%	27.63%
black sea bass	26.67%	21.05%
grunt family	20.00%	0.00%
sea bass family	20.00%	3.95%
Bluefish	13.33%	5.26%
gray snapper	13.33%	0.00%
leatherjacket family	13.33%	0.00%

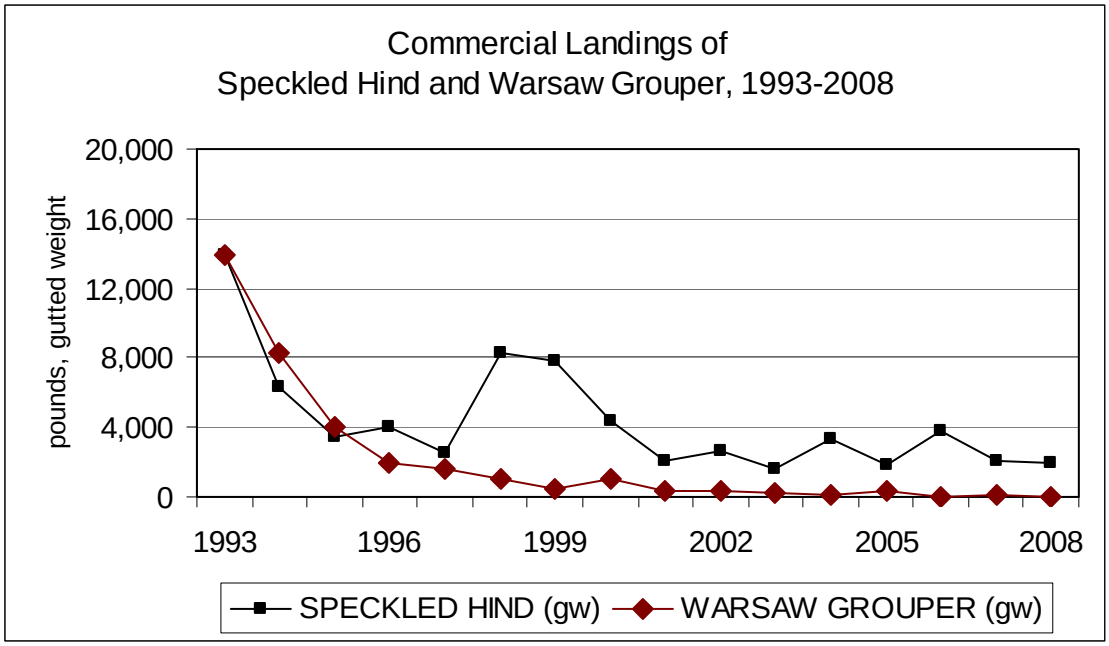
Species	% Trips	% Number
mutton snapper	13.33%	1.32%
blue runner	6.67%	0.00%
blueline tilefish	6.67%	19.74%
dolphin	6.67%	1.32%
little tunny	6.67%	1.32%
littlehead porgy	6.67%	7.89%
snowy grouper	6.67%	1.32%
unidentified fish	6.67%	0.00%
white grunt	6.67%	9.21%

4.1.2 Economic Effects

Commercial Fishery
A simulation model was used to predict the effects of Snapper Grouper Amendments 13C, 15A and 16 on commercial fishing activity for the 2005-2007 study period. **Appendix E** outlines, in detail, the methodology used in the simulation model and is hereby incorporated by reference.

In 1993, commercial fishermen landed 13,900 pounds (gutted weight) of speckled hind and 14,000 pounds of warsaw grouper on fishing trips in federal waters, as recorded in the logbook database (Figure 4-5). Landings of both species have declined since then, as Amendment 6 to the Snapper-Grouper FMP prohibited their sale in mid-1994. There is a one fish possession limit for each species since these deep water groupers probably would not survive if released after being caught.

Figure 4-5. Commercial landings in federal waters: speckled hind and warsaw grouper, 1993-2008.



Source: SEFSC logbook database as of June 29, 2009.

Alternative 1 (No Action) is the least restrictive management choice because it allows one fish per vessel per trip to be retained as part of the recreational aggregate bag limit for groupers regardless of depth within the EEZ. Despite the existing no-sale provision, small quantities of both species are reported. On average for 2005-2008, commercial fishermen on trips in federal waters landed 2,400 pounds (gutted weight) of speckled hind worth approximately $6,400 and 100 pounds of warsaw grouper worth $260.[5]

Alternative 2 differs from the no-action alternative in that the one fish possession limit would be eliminated. Because of the existing no-sale provision, few speckled hind or warsaw grouper are landed. Hence, the economic effect of **Alternative 2** is expected to be small. The simulation analysis predicts an average annual loss of approximately $6,000, or about one-tenth of one percent of predicted net operating revenues for the commercial fishery with the no-action alternative for Amendment 17B.[6] The expected reduction in net operating revenues is less than the average annual dockside value of speckled hind and warsaw grouper landed during 2005-2008 because the no-action alternative for Amendment 17B includes the expected reductions in landings due to Amendments 13C and 16.

Alternative 3 is the most restrictive management choice because it prohibits the harvest and sale of all major deepwater species in the snapper-grouper management unit, including snowy grouper, yellowedge grouper, blueline tilefish, silk snapper and other species. Overall, **Alternative 3** is expected to reduce net operating revenues in the snapper-grouper fishery by approximately $365,000, or by 4.2 percent compared to the no-action alternative (Figures 4-6a and 4-6b). The effects of this alternative are expected to be incurred primarily by boats that fish with vertical lines (Figure 4-6a), although boats with longlines would incur greater losses in percentage terms (Figure 4-6b) because **Alternative 3** would prohibit the harvest of snowy grouper and yellowedge grouper. Vessels that use bottom longline gear are expected to incur losses that average approximately 12.2 percent of base net operating revenues. Boats in North Carolina and the Florida Keys would incur the greatest reductions in net operating revenues (Figures 4-7a and 4-7b), primarily due to the prohibition on the harvest of snowy grouper and blueline tilefish. Net operating revenues for boats in North Carolina are predicted to decline by an average of 8.7 percent per year, while net operating revenues for boats in the Keys are predicted to decline by approximately 4.2 percent per year compared to the no-action alternative.

Alternative 4 (Preferred) is less restrictive than **Alternative 3** because it excludes from the prohibition the harvest of deep water species in waters shallower than 240 feet. However, it is only slightly less restrictive because most deepwater species are landed in waters of 240 feet or deeper. Overall, **Alternative 4 (Preferred)** is expected to reduce net operating revenues in the snapper-grouper fishery by about $292,000 or by 3.3 percent (Figures 4-6a and 4-6b). The effects of this alternative are expected to be slightly smaller than those of **Alternative 3**. The expected reductions in net operating revenues would be incurred primarily by boats that fish with

[5] The logbook database does not collect prices or revenues for landed fish. Trip revenues were approximated as reported landings multiplied by average prices, by species, from the NMFS Accumulated Landings System.

[6] The commercial fishery is defined in this analysis as consisting of all trips in the logbook database that reported landing at least one pound of any species in the snapper-grouper management unit.

vertical lines (Figure 4-6a), although boats with longlines would incur greater losses in percentage terms (Figure 4-6b). Vessels that use bottom longline gear are expected to incur losses that average approximately 11.5 percent of base net operating revenues. Net operating revenues for boats in North Carolina are predicted to decline by an average of 7.2 percent per year, while net operating revenues for boats in the Keys are predicted to decline by approximately 3.9 percent per year compared to the no-action alternative.

Alternative 5 is less restrictive than **Alternative 4 (Preferred)** because it excludes from the prohibition the harvest of deep water species in waters shallower than 300 feet. Overall, **Alternative 5** is expected to reduce net operating revenues in the snapper-grouper fishery by about $225,000 or by 2.6 percent (Figures 4-6a and 4-6b). The effects of **Alternative 5** by gear (Figures 4-6a and 4-6b) and state (Figures 4a and 4b) are expected to be smaller than those of **Alternatives 3** and **4**. Vessels that use bottom longline gear are expected to incur losses that average approximately 8.2 percent of base net operating revenues. Net operating revenues for boats in North Carolina are predicted to decline by an average of 4.9 percent per year, while net operating revenues for boats in the Keys are predicted to decline by approximately 3.6 percent per year compared to the no-action alternative.

Figure 4-6a. Predicted change in commercial net operating revenues by gear type for speckled hind-warsaw grouper alternatives compared to **Alternative 1 (Status Quo)** for Amendment 17B. (** denotes the Council's preferred alternative.)

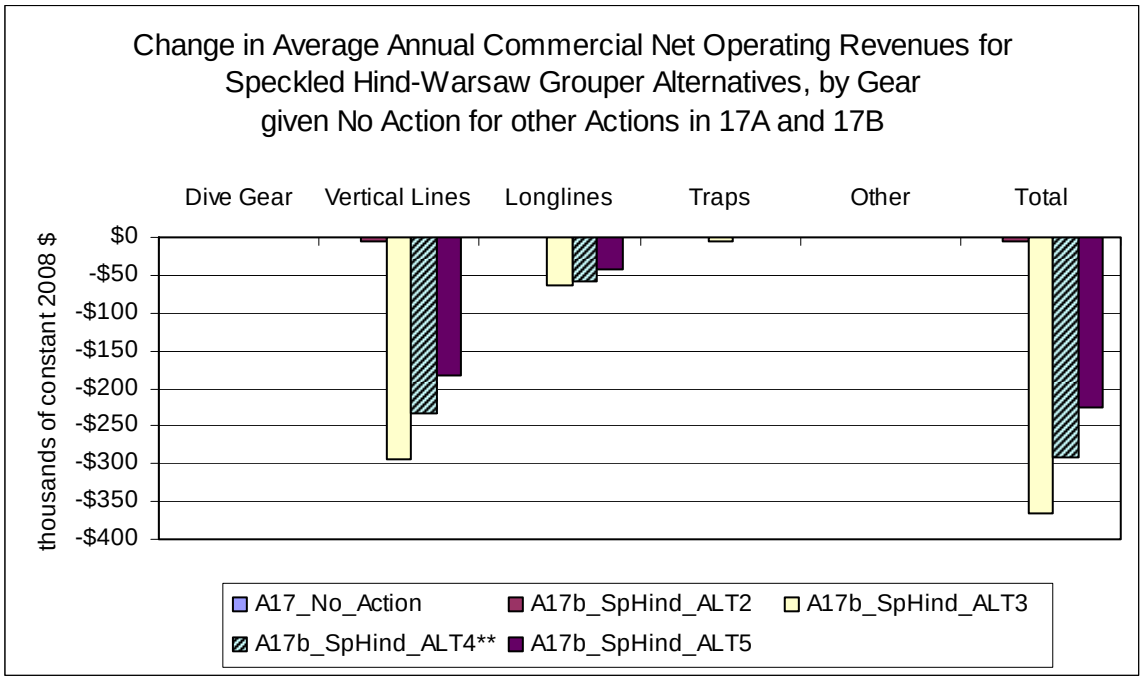


Figure 4-6b. Predicted percentage change in commercial net operating revenues by gear type for speckled hind-warsaw grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

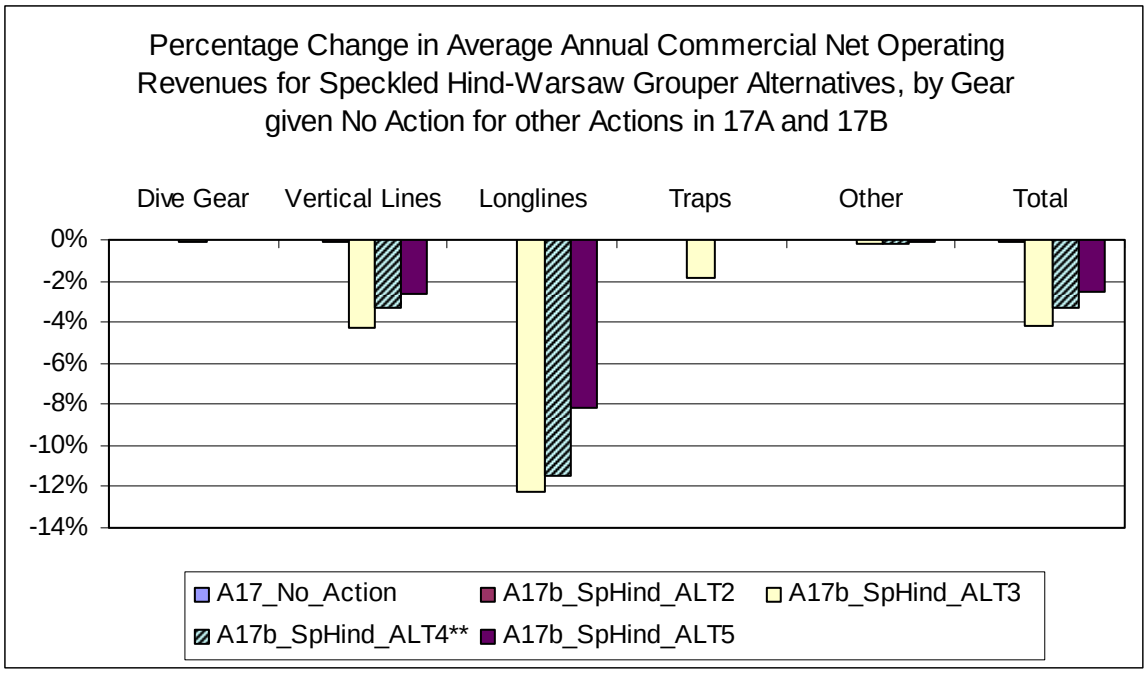

Percentage Change in Average Annual Commercial Net Operating Revenues for Speckled Hind-Warsaw Grouper Alternatives, by Gear given No Action for other Actions in 17A and 17B
Dive Gear
Vertical Lines
Longlines
Traps
Other
Total
0%
-2%
-4%
-6%
-8%
-10%
-12%
-14%
A17_No_Action
A17b_SpHind_ALT2
A17b_SpHind_ALT3
A17b_SpHind_ALT4**
A17b_SpHind_ALT5

Figure 4-7a. Predicted change in commercial net operating revenues by state of landing for speckled hind-warsaw grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

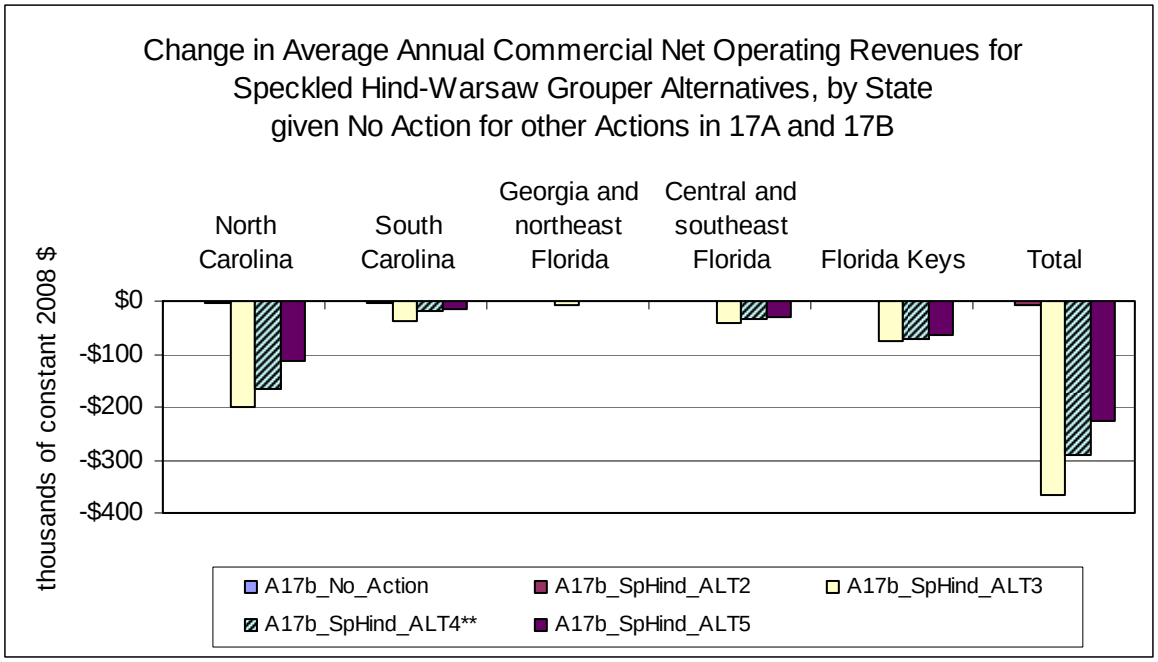
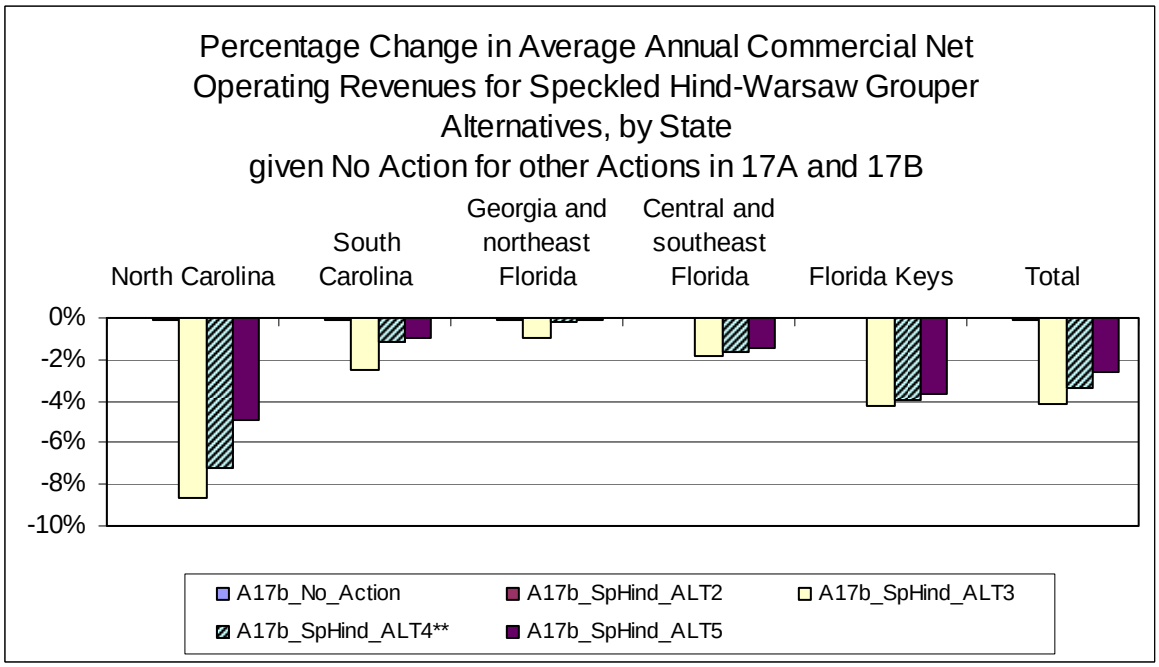


Figure 4-7b. Predicted percentage change in commercial net operating revenues by state of landing for speckled hind-warsaw grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)



Recreational Fishery

Alternative 1 (Status Quo) has no short-term economic effects on the recreational sector, but by not providing sufficient protection to the stocks, it could reduce the long-term economic benefits derivable from the fishery.

The overall short-run economic effects of **Alternative 2** would appear to be relatively small as can be partly inferred from the relative levels of recreational harvest and effort on speckled hind and warsaw grouper. In 2005-2008, the recreational sector harvested an average of 13,000 pounds annually of these two species (Table 4-11). Of this total, about 56 percent was accounted for by the private/rental mode, 27 percent by the charter mode, and 17 percent by the headboat mode. There is little evidence on the desirability of these two species as target species on recreational trips. Table 3-50 shows there is virtually an absence of target trips for these two species by the charter and private/rental modes of fishing. No targeting effort information for headboats is generally collected on a routine basis as those for the other fishing modes, and unlike for **Alternative 3** below, no attempt is made to estimate the possible number of headboat trips targeting the two species. Hence, it is likely that the economic effects of **Alternative 2** on recreational anglers (at least those fishing through the charter and private/rental fishing modes) and potentially on for-hire operations would be relatively small. The economic effects on headboats would depend on the importance of these two species on their fishing trips, but this cannot be ascertained with current available information.

Of the various alternatives, **Alternative 3** would be expected to bring about the largest adverse economic impacts on the recreational sector in the short run, considering the larger number of species being subject to the ban on retention and possession. Table 4-11 below shows the recreational harvests of deepwater species. Recreational harvests of yellowedge grouper, misty grouper, and queen snapper are sparse, so they are combined for the current purpose. A total harvest of about 346 thousand pounds of deepwater species is approximately 3 percent of total recreational harvest of snapper grouper in the South Atlantic. While relatively small, harvests of deepwater species could be a significant part of charterboat harvests, as these species comprise about 12.6 percent of total charterboat harvests of snapper grouper. Headboat and private/rental harvests of deepwater species comprise only about 0.3 percent and 1.2 percent of their respective total harvests of snapper grouper.

An examination of target effort depicts a slightly different scenario. For the years 2005-2008, an average of 1,856 trips was taken by charterboat and private/rental anglers targeting deepwater species. No species-specific target trip information for anglers fishing through headboats is available, but some attempt in estimating this number is shown in the table and discussed below. Of the total trips targeting deepwater species with the exclusion of headboats, 84 percent were accounted for by private/rental mode anglers and 26 percent by charterboat anglers. Based on target trips, the private/rental mode anglers would experience more consumer surplus reductions than their charterboat counterparts would under **Alternative 3**. Even though harvests of deepwater species comprised only 1.2 percent of total snapper grouper harvests by private/rental anglers, valuation of this harvest level would appear to be more than that of harvests through

charterboats. Only Florida and North Carolina registered target trips for deepwater species, and total target trips are about evenly divided between these two states.

Considering the number of species involved, an attempt is made to estimate the number of headboat trips "targeting" deepwater species. The target trips of 963 shown in Table 4-11 is estimated by multiplying the number of headboat angler trips by the ratio of deepwater species caught to total snapper-grouper caught in headboats. The ratio is calculated by area and applied to headboat trips by area, and the resulting numbers are summed across all areas. The calculated number of headboat trips appears to be a substantial overestimate of the unknown true number of headboat trips targeting deepwater species. This can be inferred from the fact that headboats generally account for only a small portion of total deepwater species harvested by the recreational sector. The immediate implication here is that economic losses to the headboat sector, as well possibly as those of the entire recreational sector, are overestimated.

Table 4-11 South Atlantic average harvest of and target effort for deepwater species, by mode, 2003-2008.

Species	Charterboat	Headboat	Private/Rental	Total
Harvest in Pounds				
Snowy Grouper	59,649	665	470	60,785
Speckled Hind	1,283	1,195	119	2,596
Warsaw Grouper	2,285	1,013	7,128	10,425
Blueline Tilefish	179,646	513	88,637	268,795
Silk Snapper	399	1,757	217	2,372
Yellowedge Grouper, Misty Grouper, Queen Snapper	428	30	352	811
Total	243,690	5,173	96,923	345,784
Target Trips				
All Deepwater Species	290	963	1,566	2,818

Source: The Headboat Survey, NOAA Fisheries, SEFSC, Beaufort Lab and MRFSS database, NOAA Fisheries, NMFS, SERO.

By allowing harvest, possession, and retention of deepwater species within a depth of 240 feet, **Alternative 4 (Preferred)** would provide lower negative economic effects than **Alternative 3**. The magnitude of differential economic effects would depend on the level of recreational activities for the deepwater species in the open areas. This amount cannot be estimated with available information. In the same manner, **Alternative 5** would result in less negative economic effects than **Alternative 3** and **Alternative 4 (Preferred)**, but the differential effects cannot be estimated.

To provide some insights into the possible magnitude of the short-run economic losses, changes to consumer surplus and net operating revenues, in 2009 dollars, are presented in Table 4-12. The same methodology described in Amendment 17A is used for the current purpose. A value

of $80 per angler trip, per kept fish is used for consumer surplus, $128 per angler trip for charterboat net operating revenue, and $68 per angler trip for headboat net operating revenue.

Total economic effects of **Alternative 3** would be approximately $5.9 million. **Alternative 2** would result in significantly lower short-run economic effects than those presented in the table. In addition, the economic effects of **Alternative 4 (Preferred)** would be lower than those of **Alternative 3** but higher than those of **Alternative 2**. Also, the economic effects of **Alternative 5** would be less than those of **Alternative 4 (Preferred)**, but possibly greater than those of **Alternative 2**. The effects of these other alternatives cannot be quantified with available information. To the extent that we assign the value of all catches to target trips, the estimated change in consumer surplus would likely be overestimates of the economic effects of **Alternative 3**. This is due to the resulting higher average kept rates per angler per trip.

Table 4-12. Reductions in consumer surplus and net operating revenues due to Alternative 3.

	Charterboat	Headboat	Private/Rental	Total
CS	$3,961,980	$159,520	$1,683,400	$5,804,900
NOR	$37,088	$65,484		$102,572
Total	$3,999,068	$225,004	$1,683,400	$5,907,472

Total-WH is total with headboat trips included; Total-WOH is total excluding headboat trips.

4.1.2 Social Effects

As discussed in **Section 1.2**, ACLs specify the amount of allowable harvest of a species per year. Exceeding the ACL, or, possibly, the ACT if such is also specified, triggers the AMs. In general terms, the higher the ACL, the greater the short-term social and economic benefits that would be expected to accrue, assuming long-term status goals (i.e., the stock is does not become overfished or undergo overfishing) are not jeopardized. Maintaining long-term stock targets or conditions is assumed to result in net long-term positive social and economic benefits. Thus, it is important that short-term decisions, such as allowable annual harvest levels, be consistent with the long-term objectives. Although the net long-term outcome may be positive, however, as with any short-term and long-term trade-off, short-term consequences to fishery participants and associated businesses and communities may be so severe (e.g., these entities may be forced to leave the fishery) that the long-term benefits accrue to different entities than those who bear the consequences of the short-term actions.

However, defining ACLs and ACTs is an administrative action. As such, defining these parameters for a species or species complex would not cause direct social impacts because their definition would not place specific controls on the amount or manner in which the resources are harvested. These parameters simply provide management targets and thresholds needed to assess the status and performance of the fishery. All current direct, indirect, consumptive, and non-consumptive uses of the resources will be unaffected. Evaluation of the fishery performance relative to these benchmarks, however, may trigger harvest and/or effort controls, which would directly impact the individuals, social networks, and associated industries related to the fishery, inducing short-term adverse economic impacts until less restrictive management is allowable.

Designation of these benchmarks, therefore, establishes the foundation for subsequent regulatory change. Regulatory change may cause some of the following direct and indirect consequences: increased crew and dockside worker turnover; displacement of social or ethnic groups; increased time at sea (potentially leading to increased risk to the safety of life and boat); decreased access to recreational activities; demographic population shifts (such as the entrance of migrant populations replacing or filling a market niche); displacement and relocation as a result of loss of income and the ability to afford to live in coastal communities; increased efforts from outside the fishery to affect fishing related activities; changes in household income source; business failure; declining health and social welfare; and increased gentrification of coastal communities as fishery participants are unable to generate sufficient revenue to remain in the community. Ultimately, one of the most important measurements of social change is how these social forces, in coordination with the strategies developed and employed by local fishermen to adapt to the regulatory changes, combine to affect the local fishery, fishing activities and methods, and the community as a whole.

Unlike ACLs and ACTs, which are administrative parameters used to identify the need for subsequent action, AMs specify the direct regulatory change that would occur should an ACL be exceeded. As such, AMs would be expected to directly result in the effects discussed in the previous paragraph, with the magnitude of the effect proportional to the severity of the corrective action.

A major indirect effect of fisheries management on the fishing community and related sectors is increased confusion and differences between the community and the management sector in levels of understanding and agreement on what is best for both the resource and the community. The fact that "the science" can cause relatively large reductions in harvests is particularly disconcerting to many fishermen and concerned stakeholders. This can induce enforcement problems and compliance with current and future regulations, which can lead to inefficient use of resources, ineffectual regulations, and failure to meet management targets, which may precipitate additional restrictions.

Data deficiencies and the complexity of the task make it difficult to determine these reference points with certainty. The selection of a particular reference point has potential implications on resource users depending upon its accuracy relative to the true value. Selection of the wrong alternative, while protecting the resource, may subject the human environment to overly restrictive regulations, increasing the risk to the economic viability of participants in the fishery and associated industries. Alternatively, the erroneous choice of a less conservative alternative when more conservatism is warranted could result in short term increased economic benefits to fishery participants, but lead to reduced stock sustainability, ultimately leading to more severe social and economic disruptions than would occur under more conservative management. In general, however, the higher the ACL or ACT, while remaining consistent with the MSY proxy or OY of the resource (i.e., sufficiently protect the long-term health of the resource), the greater the allowable, long-term social benefit stream of fishery.

Social impacts of management also accrue incrementally to fishing regulations and conditions that exist each year, and cumulatively as conditions are compounded over multiple years (single

year or short-term restrictions may result in minimal social impact, whereas persistent restrictions would be expected to result in more significant impacts). In general, smaller harvest levels entail greater short-term dislocations and adjustments for the social environment. Commercial and recreational fishermen may be able to adjust to harvest reductions by switching to other species or by leaving fishing and seeking other employment or recreational opportunities elsewhere. If other species are depleted, regulations may prevent fishermen from freely switching to another fishery, or if other forms of employment or recreational activities are unavailable or difficult to find, then the adjustments would be more severe than if alternatives were readily available.

Finally, as discussed above, while the specification of an ACL or ACT is functionally an administrative action with direct effects typically just accruing to the associated management measures implemented to restrict fishery harvests to the respective limit or target, if the limit or target is set at zero, the action functionally establishes both the limit and the management measures necessary or intended to restrain the fishery to the limit. In such a case, distinctions of which portion of the action induces direct and indirect effects become blurred and/or moot. Such is the case in the current action, as discussed below.

With the exception of **Alternative 1 (Status Quo)**, each of the alternative ACL options for speckled hind and warsaw grouper would establish a zero ACL and prohibit all harvest (possession and retention) for each species until modified. **Alternative 1 (Status Quo)** would not specify an ACL, ACT, or AM. Because ACLs and AMs are now required components of FMPs, **Alternative 1 (Status Quo)** is not a viable long-term action, meaning its selection would require additional subsequent council action to re-address these requirements. Thus, while the fishery for these species could continue unaffected, at least as constrained by this action, with unchanged short-term social and economic benefits, such would be temporary and the costs and social impacts of duplicative management action would be incurred. While no direct adverse social effects would accrue to the fishery participants or associated industries and communities, a perception of irresponsible management and waste of public resources might accrue, with associated adverse social outcomes.

As stated in the previous paragraph, **Alternatives 2-5** specify identical ACLs (zero) for speckled hind and warsaw grouper and prohibit the harvest of both species. The alternatives vary in restrictions on the harvest of other deepwater snapper grouper species. While each of **Alternatives 2-5** include the terminology "prohibit fishing for," functionally, only the harvest (possession and retention) can effectively be prohibited. As a result, catch and release fishing in the recreational sector could still occur, though the resultant mortality of caught fish due to the depths at which they are caught may discourage most anglers from such intentional behavior. Even without directed behavior, some incidental harvest of these species would be expected to continue, in both the recreational and commercial sectors, and any associated prohibition on retention may induce the perception of waste, with the magnitude of said perceptions expected to increase directly with the magnitude of affected catch.

Alternative 2 would only restrict the harvest of speckled hind and warsaw grouper. This alternative would be expected to have minimal to no adverse social effects because neither species is a significant target or harvest species in the recreational sector, with less than 20,000

pounds combined harvested per year from 2003-2007 and virtually no targeted effort (see Section 3.10), and sale has been prohibited in the commercial sector since mid-1994, although a one-fish possession limit for each species for personal consumption has been allowed in recognition of the likely release mortality of caught fish due to the depth at which they are caught. Despite the prohibition on sales, reported commercial harvests still occur (see Section 3.8.8), but are minor compared to other snapper grouper species and all harvest by commercial vessels is assumed to be bycatch of fishing for other snapper grouper species. Harvest prohibition would not stop the loss of bait or the time associated with the removal of incidental catch they could not keep, but such would be expected to have minimal social effects. The primary social effect by both sectors would likely be the perception of waste of fish not expected to survive release.

In addition to specifying an ACL of zero for speckled hind and warsaw grouper, **Alternative 3** would prohibit the harvest of additional deepwater species in order to protect speckled hind and warsaw grouper. As the number of species included in the prohibition increases, the magnitude of expected adverse social effects increases. This alternative is the most restrictive of all alternatives considered and, as a result, would be expected to have the greatest negative social impact on fishermen and associated businesses and communities, particularly due to the inclusion of snowy grouper in the list of prohibited species, because an average of 387 trips per year from 2003-2007 in the commercial sector were recorded with snowy grouper as the top source of trip revenue (see Section 3.8.10). In the recreational sector, while the majority of harvests of warsaw grouper, which is a more important harvest species than speckled hind, occurs by private anglers, expansion of the prohibition to include additional deepwater species would increase the adverse affects disproportionately to the for-hire sector, particularly due to the inclusion of snowy grouper (see Section 3.10). Most effects would be expected to accrue to Florida and North Carolina fishermen and associated businesses and communities.

In addition to specifying an ACL of zero for speckled hind and warsaw grouper, **Alternative 4 (Preferred)** would only prohibit the harvest of additional deepwater species from waters beyond a depth of 240 feet. As a result, while adverse social effects would be expected to accrue to the respective sectors as discussed relative to **Alternative 3**, the additional harvest restrictions would be expected to be less severe than under A**lternative 3** and would, therefore, be expected to result in greater adverse social effects than **Alternative 2**, but less adverse social effects than **Alternative 3**.

Alternative 5 would modify the depth restriction of **Alternative 4 (Preferred)** to waters beyond 300 feet. As a result, the harvest restrictions would be less than those of **Alternative 4 (Preferred).** If **Alternative 5** is capable of resulting in sufficient biological protection for speckled hind and warsaw grouper, such that the less restrictive harvest restrictions do not require more restrictive measures in the future than those currently proposed, then **Alternative 5** would be expected to result in reduced adverse social effects relative to **Alternative 4 (Preferred)**.

In summary, **Alternative 1 (Status Quo)** is not a viable alternative because it would not establish required components of FMPs. **Alternative 4 (Preferred)** would be expected to result in greater adverse social effects than **Alternative 2**, because it would also prohibit the harvest of

additional deepwater species, but fewer adverse social effects than **Alternative 3** because only harvests of these additional species from deeper waters would be prohibited. Because **Alternative 5** would impose less severe harvest restrictions than **Alternative 4 (Preferred)**, it would be expected to result in lower adverse social effects relative to **Alternative 4 (Preferred)**.

4.1.4 Administrative Effects

Under **Alternative 1 (Status Quo)**, administrative impacts would likely be negative if the result of not implementing more restrictive measures now meant having to require additional and more drastic amendment actions in the future. **Alternatives 2** and **3** would both create a minimal adverse impact on the administrative environment since regulations would need to be updated, outreach materials would need to be developed, and coordination with the Office of Law Enforcement would be necessary. **Alternative 4 (Preferred)** and **Alternative 5** would be the most administratively burdensome of the alternatives since they would also require enforcement and monitoring of the 240 feet and 300 feet depth boundaries respectively. Outreach efforts under **Alternative 4 (Preferred)** and **Alternative 5** would need to be far-reaching and detailed in order to orchestrate the dissemination of designated fishing area information including depth contour way points for fishermen to enter into their plotters for compliance purposes.

4.1.5 Council's Conclusions

4.2 Golden tilefish

4.2.1 Golden Tilefish Allocations

At the September meeting it was mentioned that defining allocations may not be needed for golden tilefish based on the fact that there's not enough allocation on the recreational side to effectively monitor that sector ACL. It was suggested that there should be a single ACL for golden tilefish.

Alternative 1 (Status Quo). Do not define allocations for golden tilefish.

Alternative 2. Define allocations for golden tilefish based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on landings from the years 2006-2008. The allocation would be 96% commercial and 4% recreational. Beginning in 2010, the commercial allocation would be 288,365 lbs gutted weight and the recreational allocation would be 2,167 fish (12,015 lbs gutted weight). The commercial and recreational allocation specified for 2010 would remain in effect beyond 2010 until modified.

Alternative 3. (Preferred) Define allocations for golden tilefish based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on the following formula for each sector: Sector apportionment = (50% * average of long catch range (lbs) 1986-2008) + (50% * average of recent catch trend (lbs) 2006-2008). The allocation would be 97% commercial and 3% recreational. Beginning in 2010, the commercial allocation would be 291,369 lbs gutted weight and the recreational allocation would be 1,625 fish (9,011 lbs gutted weight). The commercial and recreational allocation specified for 2010 would remain in effect beyond 2010 until modified.

Alternative 4. Split the allocations for golden tilefish equally among the two sectors. The allocation would be 50% commercial and 50% recreational. Beginning in 2010, the commercial allocation would be 150,190 lbs gutted weight and the recreational allocation would be 27,087 fish (150,190 lbs gutted weight). The commercial and recreational allocation specified for 2010 would remain in effect beyond 2010 until modified.

4.2.1.1 Biological Effects

Alternative 1 (Status Quo) would not specify a commercial or recreational allocation for golden tilefish. If an allocation is not specified then it would not be possible to identify the ACL in the recreational sector. Only a single ACL could be established for both sectors and the AM for the recreational sector would be to prohibit harvest when the commercial ACL is met. The commercial quota could be specified; however, as Amendment 13C used landings from 1999-2003 to establish the commercial quota (98% commercial/2% recreational). This alternative would also perpetuate the existing levels of risk to ESA-listed species.

Alternatives 2-4 would range from 50% commercial/50% recreational (**Alternative 4**) to 97% commercial/3% recreational (**Alternative 3 (Preferred)**). Alternatives that allocate a greater portion of the harvest to the commercial sector could have a greater negative impact on habitat since some golden tilefish are predominately taken with longline gear, which is considered to do greater damage to hard bottom habitat than vertical hook and line gear (SAFMC 2007). However, damage to bottom habitat with longline gear has not been very well documented. During 2005-2008, approximately 90% of the commercial catch of golden tilefish was with bottom longline gear.

Due to the reduction in the TAC needed to end overfishing, the allowable recreational take has become very small. Based on the allocations specified in **Alternatives 2-4**, the recreational portion of the TAC would range from 9,011 gutted weight or 1,625 fish (**Alternative 3 (Preferred)**) to 150,190 lbs gutted weight or 27,087 fish (**Alternative 4**). The recreational portion of the TAC under **Alternative 2** would fall between that of **Alternatives 3 (Preferred)** and **4** at 2,167 fish (12,015 lbs gutted weight). During 1998-2008, recreational landings (MRFSS) averaged 35,148 pounds whole weight and 10,459 individual; however, landings during 2005 are probably overestimates (Table 4-13). Although Amendment 13C reduced the recreational bag limit of golden tilefish to 1 fish per person in the grouper aggregate bag limit, landings higher than 9,011 pounds whole weight could occur. Furthermore, there could be increased discards of dead snowy grouper resulting from the more restrictive bag limit. However, Table 4-13 suggests the measures implemented through Amendment 13C in October 2006 may have reduced recreational harvest of golden tilefish in 2007 and 2008. In addition, the number of discarded golden tilefish (B2s) has remained at 0 since new management measures were implemented.

Table 4-13. Recreational landings (pounds whole weight and number (A+B1)) of golden tilefish from MRFSS Web site.

Year	Weight (lbs)	PSE	HARVEST (TYPE A + B1)	PSE	RELEASED ALIVE (TYPE B2)	PSE
1998	2,255	101	472	101	0	0
1999	4,409	78.3	1,950	62	0	0
2000	1,803	46.2	3,171	76.9	2,000	71.5
2001	26,799	59.2	3,150	44.9	0	0
2002	9,246	52.7	2,036	45.4	0	0
2003	28,029	41.7	7,833	40.8	2,088	74.9
2004	25,007	39.4	11,242	37.8	0	0
2005	240,240	40.3	70,304	39.2	1,036	100
2006	44,061	54.3	12,723	45.4	0	0
2007	4,782	0	2,165	59.8	0	0
2008	0	0	0	0	0	0
average	35,148		10,459		466	

Alternative 4 would divide golden tilefish allocations equally among the recreational and commercial sectors. This could result in a substantial reduction in the commercial harvest while allowing a potential increase in recreational harvest that may not be attainable with a restriction

of one fish per person per day. As a result, an overall decrease in harvest of golden tilefish could occur under **Alternative 4** resulting in biological benefits for the species. Therefore, the biological benefit of **Alternative 4** would exceed all other alternatives, while there would be little difference among **Alternatives 2** and **3 (Preferred)**.

Alternative 1 (Status Quo) will perpetuate the existing level of risk for interactions between ESA-listed species and the fishery. **Alternatives 2-4** are unlikely to have adverse effects on ESA-listed species, including recently listed *Acropora*. Previous ESA consultations determined the snapper grouper fishery was not likely to adversely affect *Acropora* species (See **Section 3.5**). These alternatives are unlikely to alter fishing behavior in a way that would cause new adverse effects to these species. The impacts from **Alternatives 2-4** on sea turtles and smalltooth sawfish are unclear. If these allocations perpetuate the existing amount of fishing effort, but cause effort redistribution, any potential effort shift is unlikely to change the level of interaction between sea turtles and smalltooth sawfish and the fishery as a whole. If these alternatives reduce the overall amount of fishing effort in the fishery, the risk of interaction between sea turtles and smalltooth sawfish will likely decrease.

4.2.1.2 Economic Effects

Commercial impacts

Alternatives 1-4 differ little in their impacts to the commercial golden tilefish fishery. Given that **Alternative 1 (Status Quo)** allows for the highest commercial allocation (98%), this offers the greatest economic benefits for the commercial fishery. The benefits from **Alternatives 2** are preferable to **Alternatives 2** and **5** which offer commercial allocations of 96% and 50%, respectively. It is unlikely that current participation level in the longline fishery for golden tilefish will be maintained under **Alternative 5**. Either trip limits will be too low to allow for trips to remain profitable or the season for fishing will be so short, due to a race to fish, that the total landings made by any one vessel will be insufficient to support continued operations. **Alternative 5** offers the least desirable option for the commercial fishery.

Recreational impacts

The general nature of any management imposed fish allocation is that either the user groups would be able to maintain their respective fishing opportunities or one group would benefit more but usually at the expense of the others. From a purely economic standpoint, an allocation alternative may be adjudged better than any other alternatives if it would result in net economic benefits to society. This could happen if at least one group benefits while the other groups are not made worse off; or if one group is made worse off, the extent of benefits to the "winning" group outweighs the losses to the others. One complicating issue of this general rule is the choice of baseline values from which an allocation change is made. In the present case where the allocation is solely based on landings by the commercial and recreational sectors, regulations affecting both sectors could have affected the actual distribution of landings. In such a case, the historical landings may not be considered ideal in determining the "economically best" allocation

alternative, because those landings were not mainly driven by the economics of the two sectors. In addition, there currently exists no adequate commercial and recreational sector economic model for use in assessing the economic outcome of the various allocation alternatives. Given these considerations, the analysis of the various allocation alternatives can only focus on their distributional implications.

Alternative 1 (status quo) would not alter the course of sector landings and thereby would not change the economic status of the two sectors. **Alternatives 2 and 4**, although based on landings in different periods, would essentially result in similar sector allocations. Each sector would likely receive an allocation that is reflective of their historical landings, so the potential change in distributional landings would be relatively minimal. Therefore, the consequent economic benefits/losses of each sector would unlikely be affected. **Alternative 4** would allocate fish to the recreational sector that would be significantly higher than the sector's historical landings. In principle, this alternative would provide the recreational sector more opportunities to generate more economic benefits from the fishery. On the other hand, the commercial sector would be severely restricted by this alternative.

4.2.1.3 Social Effects

Monitoring and managing sector harvests, where harvest limits exist, requires the establishment of sector allocations to specify how the total allowable harvest is to be distributed among competing sectors. Although expected levels of sector harvest can be determined based on historical distributions, absent sector allocations, resource harvest assessments relative to targets are only meaningful from the perspective of combined harvests by all sectors. Should the total harvest exceed the targeted harvest, without sector allocations, it is difficult to conclude whether responsibility for the overage should be attributed to a particular sector or all sectors (while historical harvest may have been lower, the absence of a specific allocation demonstrates the absence of any requirement to remain so), or identify and implement corrective measures that equitably assign responsibility to a particular sector. While the concept of AMs is biological in nature - identifying corrective measures that end and compensate for harvest overages to achieve biological goals – allocations allow AMs to accomplish this in a manner that achieves social and economic equity by not imposing costs on sectors that are not responsible for the overage.

Because allocations for golden tilefish are not currently specified, **Alternative 1 (Status Quo)** would prohibit establishing sector harvest limits or AMs that allow sector-level harvest assessment and the implementation of respective sector-level AMs in a manner that achieves sector social and economic equity. Overall harvest goals could be maintained, as stock goals could still be monitored and evaluated at the total fishery level. However, if sector-level equity issues are legitimate considerations, the overall social and economic benefits of the fishery would be expected to be lower than under an appropriate sector allocation.

Although **Alternative 2** and **Alternative 3 (Preferred)** would specify allocations according to harvest patterns over different periods of time, both would result in allocations that are largely identical, varying by just one percentage point, with the commercial sector receiving either 96 or 97 percent or the total allowable harvest, and the recreational sector receiving the remainder. As

such, both essentially equal historic sector harvest patterns and little to no change in social benefits from current levels would be expected, nor would the benefits be expected to substantially different between each alternative.

Alternative 4 would specify equal allocations of 50% for both the commercial and recreational sectors and, as such, would represent a substantial departure from historic harvest patterns. Given a fixed amount of total allowable harvest, no sector can gain harvests, and associated social and economic benefits, without adverse effects accruing to competing sectors. In this instance, while the golden tilefish fishery is not large compared to the total snapper grouper commercial fishery (330,000 pounds of golden tilefish per year compared to 6.4 million pounds of all snapper grouper species per year; see **Section 3.8.1.2**), the commercial allocation under **Alternative 4** would be almost a 50% reduction from historic average annual harvests. Allocation away from historical distributions is a particularly divisive issue in fisheries, regardless of the amount of quantitative justification the allocation may appear to have. This is particularly true when incomes and livelihoods become affected. While appropriate data on business failure/exit do not exist, anecdotal information point to the increasing difficulty commercial fishermen have remaining in fisheries in general due to increased fuel costs, stagnant or declining ex-vessel prices, decreasing dock space and numbers of fish houses, fewer or more restrictive species options, and generally more restrictive management measures. While similar pressures exist for for-hire business operators and **Alternative 4** may help some for-hire businesses weather the strains of other increasingly restrictive management measures, information is not available to justify benefiting this sector, or the recreational sector in general, at the expense of the commercial sector. Absent specific information that the social and economic benefits of the allocation specified by **Alternative 4** would result in a net gain to society, it is assumed that an allocation that results in the least alteration of historic harvest patterns would be the preferable allocation from the social perspective.

In summary, **Alternative 1 (Status Quo)** is not a viable alternative because it would not support sufficient sector monitoring and management consistent with the needs of ACLs and AMs. The expected social effects of **Alternative 2** and **Alternative 3 (Preferred)** would be expected to be virtually indistinct because each would establish allocations that effectively mirror historic harvest patterns. **Alternative 4** would result in the greatest deviation from historic harvest patterns and, as a result, would be expected to result in the greatest adverse social effects.

4.2.1.4 Administrative Effects

Alternatives 2 through **4** could increase the indirect administrative effects to NOAA Fisheries Service as landings would need to be monitored in relation to the commercial and recreational portion of the allocation for overage and commercial quota purposes. There would not be any measurable differences in the administrative effects between allocation **Alternatives 2, 3 (Preferred),** and **4 .**

4.2.1.5 Council's Conclusions

4.2.2 Golden Tilefish ACLS and AMs

Alternative 1 (Status Quo). Retain existing regulations for golden tilefish. The commercial ACL, based on the commercial quota (currently set at the F_{MSY} level), equals 331,000 lbs ww (295,000 lbs gw). The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Alternative 2 (Preferred). Establish the commercial ACL (quota) at the F_{OY} level. The commercial quota would be based on the allocation alternative selected in **Section 4.2.1** (Table 4-13). The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met.

The IPT suggested the Council may want to consider adding an overage correction to the commercial AM, whereby one years' overage would result in a payback administered the following year.

Specify a recreational ACL in numbers of fish based upon the allocation decision in **Section 4.2.1** and the yield at F_{OY}. Implement AMs for the recreational sector for golden tilefish. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use three-year running average.

Alternative 3. Establish a *single* ACL (commercial and recreational) using the total of the commercial ACL (quota) at the F_{OY} level and the recreational allowable harvest at the OY level. The total ACL would be 326,554 lbs ww (291,566 lbs gw). The AM would prohibit harvest in the commercial and recreational sectors when the ACL is projected to be met.

Alternative 4. Establish a recreational accountability measure that would implement a 1 golden tilefish *per vessel* per day when the *single* ACL (the total of the commercial ACL (quota) at the F_{OY} level and the recreational allowable harvest at the OY level, 326,554 lbs ww (291,566 lbs gw), is projected to be met.

Alternative 5. Establish an ACL (commercial and recreational) based on the yield at F_{OY} for the commercial fishery (Table 4-14). The AM for the commercial and recreational sectors is to prohibit harvest, possession, and retention in both sectors when commercial landings exceed the ACL.

Table 4-14. Commercial quota (ACL) and recreational ACL for Alternatives 2 - 5 under the various allocation alternatives specified in Section 4.2.1.

Allocation (Comm/Rec)	Comm Allocation (lbs)	Rec Allocation (lbs)	Rec Allocation (numbers)	Comm quota (lbs) OY	Rec ACL lbs (OY)	Rec ACL number (OY)
Alternative 2 (97%/3%)	291,369	9,011	1,625	282,819	8,747	1,578
Alternative 3 (96%/4%)	288,365	12,015	2,167	279,903	11,663	2,103
Alternative 4 (97%/3%)	291,369	9,011	1,625	282,819	8,747	1,578
Alternative 5 (50%/50%)	150,190	150,190	27,087	145,783	145,783	26,293

4.2.2.1 Biological Effects

Alternative 1 (Status Quo) would maintain status quo regulations for golden tilefish. Amendment 13C established a 295,000 lb gutted weight commercial quota for golden tilefish at the yield associated with F_{MSY}, which is intended to end overfishing. Once the quota is met, all fishing for or possession of golden tilefish is prohibited. The final NS1 guidelines acknowledge that existing FMPs may use terms and values that are similar to, associated with, or may be equivalent to OFL, ABC, ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. In these situations the guidelines suggest that, as Councils revise their FMPs, they use the same terms as set forth in the NS1 guidelines.

Alternative 1 (Status Quo) would retain management measures that are equivalent to OFLs, ACLs, and AMs specified by the reauthorized Magnuson-Stevens Act and in the final NS1 guidelines. Amendment 13C specifies an overfishing level for golden tilefish at the yield at F_{MSY}, which is equivalent to the OFL. The ACL serves as a catch limit for a species which triggers some sort of AM to ensure overfishing of a species does not occur. The ACL for the commercial sector of golden tilefish is based on the commercial portion of the yield at F_{MSY}. No ACL was specified for the recreational sector; however, recreational catch of golden tilefish is minor (less than 9% in recent years; Table 4-15a). Amendment 13C established measures to reduce the chances that overfishing occurs by closing all commercial fishing for golden tilefish when the quota (commercial ACL) is reached and can be considered to be equivalent to an AM. Therefore, **Alternative 1 (Status Quo)** for golden tilefish, which was determined to be based upon the best available science by the SSC, would end overfishing and satisfy the requirements of the reauthorized Magnuson-Stevens Act.

Table 4-15a. Landings (lbs whole weight) of golden tilefish in the commercial (Comm), headboat (HB), and recreational (MRFSS) fisheries. PSE = percent standard error.

Year	Comm	MRFSS	PSE	HB	% Comm	% Rec
1986	1,317,941	251	0	0	99.98%	0.02%
1987	370,437	44	0	79	99.97%	0.03%
1988	659,206	3,966	0	0	99.40%	0.60%

1989	993,302	0	0	14	100.00%	0.00%
1990	1,008,802	137	0	7	99.99%	0.01%
1991	1,066,839	179	65.7	0	99.98%	0.02%
1992	1,053,324	0	0	26	100.00%	0.00%
1993	1,144,283	0	0	0	100.00%	0.00%
1994	897,084	15,959	59.2	12	98.25%	1.75%
1995	751,861	0	0	0	100.00%	0.00%
1996	385,651	3,064	100	0	99.21%	0.79%
1997	401,454	16,703	88.1	968	95.78%	4.22%
1998	407,143	2,255	101	8	99.45%	0.55%
1999	549,334	4,409	78.3	8	99.20%	0.80%
2000	790,621	1,804	46.2	0	99.77%	0.23%
2001	478,529	26,801	59.2	0	94.70%	5.30%
2002	447,074	9,246	52.7	0	97.97%	2.03%
2003	295,333	28,030	41.7	0	91.33%	8.67%
2004	251,617	25,007	39.4	0	90.96%	9.04%
2005	315,812	240,240	40.3	0	56.80%	43.20%
2006	447,772	44,061	54.3	0	91.04%	8.96%
2007	342,755	4,782	0	0	98.62%	1.38%
2008	374,040	0	0	0	100.00%	0.00%

Alternatives 2 (Preferred), 3, 4, and **5** specify ACLs based on the F_{OY} level equal to the yield at 75% F_{MSY}. Values specified for F_{OY} assumes the stock is at equilibrium. SEDAR 4 (2004) indicated that although the stock was not overfished, current biomass was slightly less than SSB_{MSY}. However, actions were taken in Amendment 13C to immediately end overfishing of golden tilefish. If a future assessment indicates biomass remains at levels below SSB_{MSY}, adjustments would be made by framework to specify the yield at the F_{OY} level.

Alternative 2 (Preferred) would establish an ACL below the OFL and at 75% F_{MSY} (F_{OY} level). The commercial quota, which is also the ACL, and recreational ACL would be dependent upon the allocation alternative selected in **Section 4.2.1** (Table 4-14). The AM for the commercial sector would be to close the fishery when the quota is met. If the ACL was exceeded in the recreational sector, the Regional Administrator would publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year.

However, it would be difficult to monitor recreational component of the total ACL because recreational landings are small, encounter rates are few, and estimates of recreational catch are extremely variable (Table 4-15a). Due to the variability in values available from MRFSS (Tables 4-15a), the recreational ACL would be compared with recreational landings over a range of years. Furthermore, ACL for the recreational sector would be based on numbers of fish rather than weight as numbers are less variable. The ACL provided by **Alternative 2 (Preferred)** would increase the chance that overfishing does not occur by providing a buffer between the OFL and the level at which the AM would be triggered.

Alternative 3 would establish a single ACL for the commercial and recreational sectors by using the total of the commercial ACL (quota) at the F_{OY} level and the recreational allowable harvest at

the OY level. The total ACL would be 291,566 lbs gutted weight. When the single ACL is projected to be met, the AM would prohibit fishing for or retention of golden tilefish in the commercial and recreational sectors. However, it would be difficult to monitor recreational component of the total ACL because recreational landings are small, encounter rates are few, and estimates of recreational catch are extremely variable (Table 4-15a). Therefore, the biological benefits of **Alternative 3** would exceed those under **Alternatives 1 (Status Quo)** but would be less than **Alternative 2 (Preferred)**, which would compare recreational ACL with recreational landings over a range in years.

Alternative 4 would establish a recreational accountability measure that would implement a 1 golden tilefish per vessel per day limit when the single ACL is projected to be met. The AM for the commercial sector would be a closure when the quota is met. As some recreational harvest would be allowed after the ACL was met, the biological benefits of **Alternative 4** would be less than **Alternative 3**. Like **Alternative 3**, **Alternative 4** would require that the recreational portion of the ACL be tracked to determine when the overall ACL would be met, which would be difficult due to problems with tracking small amounts of landings and accurately estimating recreational catch.

Alternative 5 would overcome the difficulties identified in **Alternatives 2 (Preferred), 3,** and **4** with attempting to estimate a combined ACL by having a single ACL for the commercial and recreation sectors equal to the commercial quota at the F_{OY} level (286,609 lbs gutted weight). The commercial and recreational AM would be to prohibit harvest, possession, and retention in both sectors when the commercial ACL is met. Due to uncertainties in estimating recreational harvest, it would be assumed under **Alternative 5** that golden tilefish are caught in the recreational sector at the same rate as in the commercial sector. However, examination of monthly catch of golden tilefish in the commercial sector and catch by wave for MRFSS indicates that commercial fishermen may begin catching golden tilefish earlier in the year than recreational fishermen (Table 4-15b and 4-15c). Most golden tilefish are caught in the recreational sector during summer months when weather is better and it easier for fishermen to move offshore in the golden tilefish grounds. Therefore, under **Alternatives 5**, if commercial fishermen met the quota early in the year and the ACL in the various alternatives was met, it could reduce the chance for recreational fishermen to catch golden tilefish during the period of the year when they have historically targeted the species.

Alternative 1 (Status Quo) would perpetuate the existing level of risk for interactions between ESA-listed species and the fishery. **Alternatives 3-5** and **Alternative 2 (Preferred)** are unlikely to have adverse effects on ESA-listed *Acropora* species. Previous ESA consultations determined the snapper grouper fishery was not likely to adversely affect *Acropora* species. Establishing ACLs or AMs is unlikely to alter fishing behavior in a way that would cause new adverse effects to these species. The impact of **Alternatives 3 - 5** and **Alternative 2 (Preferred)** on sea turtles and smalltooth sawfish is uncertain. If the establishment of ACLs or AMs does not change the existing amount of fishing effort, but causes effort redistribution, any potential effort shift is unlikely to change the level of interaction between sea turtles and smalltooth sawfish and the fishery as a whole. If implementation of ACLs or AMs causes a reduction in fishing effort, the risk of interaction between ESA-listed species and the fishery will likely decrease.

Table 4-15b. Landings of golden tilefish (numbers A + B1) by wave. Wave 1 = January-February; Wave 2 = March-April; Wave 3 = May-June; Wave 4 = July-August; Wave 5 = September-October; Wave 6 = November-December.

Wave	2005	2005 PSE	2006	2006 PSE	2007	2007 PSE	2008	2008 PSE
1	0	0	1,718	100	0	0	0	0
2	0	0	1,080	99	0	0	0	0
3	29,445	66	4,205	58	2,165	0	0	0
4	37,677	51.5	4,779	100	0	0	0	0
5	3,182	61.3	942	100	0	0	0	0
6	0	0	0	0	0	0	0	0

Source: MRFSS Web site. PSE = percent standard error.

Table 4-15c. Monthly landings of golden tilefish (lbs whole weight) caught by commercial fishermen during 2005-2008.

Month	2005	2006	2007	2008
1	1,023	31,010	38,265	93,763
2	16,301	25,581	59,368	44,368
3	18,920	25,478	55,434	48,358
4	29,270	57,336	64,942	78,042
5	28,666	74,438	17,782	61,013
6	31,524	43,907	5,263	7,822
7	15,030	14,700	7,335	8,390
8	16,288	43,093	35,174	17,417
9	37,138	52,804	48,424	52
10	55,156	67,783	364	136
11	39,228	0	110	14,578
12	27,268	259	12	101

Source: ALS data.

4.2.2.2 Economic Effects

Commercial Sector

Amendment 17B proposes two management actions for tilefish, including an action to specify the ACL and an action to divide that ACL between the commercial and recreational sectors. Both actions affect the annual catch limit available to the commercial sector. Hence, they are evaluated jointly.

While the allowable catch action has five management alternatives and the allocation action has four alternatives, they reflect two management choices for TAC and four management choices for allocation. Allocation **Alternative 1 (Status-quo)** includes a TAC for the commercial and

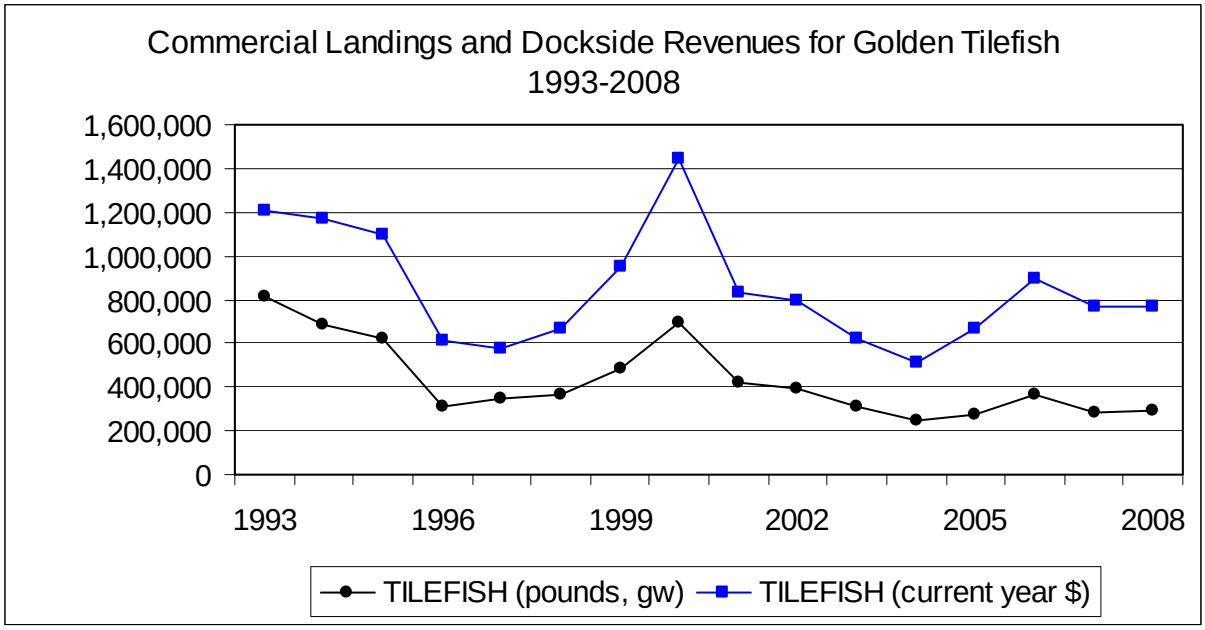
recreational sectors combined is 300,380 lbs gutted weight, and all other alternatives are based on an allowable catch of 291,566 lbs gutted weight. Allocation **Alternative 2** specifies a commercial share of 96 percent of total allowable catch, while allocation **Alternative 3 (Preferred)** specifies a commercial share of 97 percent of total allowable catch and **Alternative 4** specifies a commercial share of 50 percent of total allowable catch. The implied commercial share for allocation **Alternative 1 (Status Quo)** was calculated as 98.2 percent of TAC based on the ratio of the existing commercial quota (295,000 lbs gutted weight) to the existing total allowable catch (300,380 lbs gutted weight). The management scenario with a commercial allocation of 97 percent (allocation **Alternative 3 (Preferred)**) and the lower TAC (golden tilefish ACL **Alternative 2 (Preferred)**) reflects the Council's preferred alternatives for golden tilefish.

From a modeling perspective, eight management scenarios were evaluated for golden tilefish, with each scenario representing a different combination of total allowable catch and commercial share of the allowable catch. All scenarios retain the existing commercial trip limits of 4,000 lbs gutted weight until 75% of the commercial ACL is taken. The trip limit is reduced to 300 lbs after 75% of the quota is taken, but only if this occurs on or before September 1.

Commercial landings of tilefish have fluctuated widely, with an historical peak of nearly 3.4 million lbs (gutted weight) in 1983. More recently, the commercial fishery landed 815,100 lbs (gutted weight) worth $1.2 million in 1993 and 692,700 lbs worth $1.4 million in 2000 (Figure 4-8).[7] The fishery also landed only 314,300 lbs worth $574,100 in 1996 and 243,200 lbs worth $510,200 in 2004. Landings averaged 305,300 lbs worth $772,700 from 2005-2008. Dockside revenues and pounds landed fluctuate in the same direction (Figure 4-8), which suggests that ex-vessel demand is price elastic. The policy implication is that regulations that reduce industry landings in the short-term are expected to reduce dockside revenues in the short-term. Conversely, dockside revenues are expected to increase over time if regulation successfully increases biomass and landings.

[7] Revenues are presented as current year dollars and have not been adjusted for inflation over time. Trip revenues were approximated as reported landings from the logbook database multiplied by average prices from the NMFS Accumulated Landings System.

Figure 4-8. Commercial landings in federal waters: golden tilefish, 1993-2008.



Source: SEFSC logbook database as of June 29, 2009.

A commercial quota and trip limit were first implemented in 1994 by Amendment 6.[8] More restrictive management was implemented in October 2006 by Amendment 13C, including a commercial quota of 295,000 pounds gutted weight and the present tiered system of trip limits.

The allocation and allowable catch alternatives in Amendment 17B are modeled as additional reductions in the commercial quota. The reductions are approximately 5 percent or less for most management scenarios not involving allocation **Alternative 4**, and range from 3,600 lbs (1.2 percent) for the scenario with allocation **Alternative 3 (Preferred)** and ACL **Alternative 1 (Status Quo)** to a 15,100 lb reduction (5.1 percent) for allocation **Alternative 2** and ACL **Alternative 2 (Preferred)**. The simulation model predicts that these reductions in commercial catch limits would generate an overall reduction in net operating revenues that ranges from approximately $3,500 to $12,500 or less than 0.15 percent to the entire snapper-grouper fishery (Figures 4-9a and 4-9b).

Larger reductions in the commercial catch limit are associated with allocation **Alternative 4**, which specifies a 50 percent commercial share of the TAC. The commercial catch limit would decline by 144,800 pounds (49 percent) with ACL **Alternative 1 (Status Quo)** and by 149,200 lbs (50.6 percent) with ACL **Alternative 2 (Preferred)**. Net operating revenues for the entire commercial snapper-grouper fishery are predicted to decline by approximately $200,000 or 2.3 percent and $207,000 or 2.4 percent for these scenarios (Figures 4-9a and 4-9b). Boats that use bottom longlines are predicted to lose 35 percent and 36 percent of baseline net operating revenues, respectively. Although commercial landings of golden tilefish would decline by approximately 50 percent, the expected reductions in dockside revenues would be partially offset

[8] Amendment 6 specified a commercial quota in 1994 of more than 1.4 million lbs (gutted weight), and a trip limit of 5,000 lbs until the quota was filled and 300 lbs after the quota was filled. The quota declined to 1.2 million lbs in 1995 and 1.0 million lbs in 1996. The quotas were not filled (Figure 4-8).

by lower operating costs as fewer trips would be taken. Losses would be incurred primarily by longline boats in central Florida and South Carolina (Figures 4-10a and 4-10b).

The economic effects of the golden tilefish alternatives differ due to differences in the magnitude of the commercial catch limit and the timing of the adjustment in the trip limit from 4000 lbs to 300 lbs. Not surprisingly, the smaller the commercial catch limit, the greater the expected reductions in net operating revenues for commercial fishermen. In addition, the simulation model predicts that lower commercial catch limits would trigger the smaller trip limit at an earlier date each year.

The simulation model predicts that the system of trip limits will prevent the quota from being filled and the fishery from being closed, except for the scenarios with allocation **Alternative 4**. This contrasts with actual experience because the golden tilefish fishery was closed on October 23, 2006, October 3, 2007 and August 17, 2008. The fishery did not close in 2005 because Amendment 13C was not implemented until 2006. Although the simulation analysis did not use data for 2009, we note that the commercial fishery for golden tilefish was closed on July 15, 2009. The reason for this discrepancy between the observed closures and the simulation model's predictions is that landings as reported to the logbook database sum approximately to the commercial quota for 2006, 2007 and 2008, and that landings in 2005 were below average and below the quota specified by Amendment 13C. Therefore, the 4-year average for landings of golden tilefish falls short of the existing commercial quota. When combined with the effects of the trip limits, simulated landings fall short of the proposed quotas, except for the management scenarios with a 50% commercial allocation.

A weakness of the simulation model is its reliance on historical fishery data to predict future fishing patterns when fishermen adjust to regulation over time. The failure of the model to predict closures for the golden tilefish fishery reflects the willingness and ability of fishermen to change their fishing patterns and strategies in response to regulation. In this case, fishermen are harvesting golden tilefish earlier in the fishing year. As a result, the model may under predict actual losses to the snapper-grouper fishery due to a smaller commercial quota for tilefish, but probably by only a small amount because the landings of golden tilefish are under predicted in the simulation of **Alternative 1 (Status Quo)** as well as in the simulation of the proposed management scenarios. Changes in the fishery due to the proposed alternatives in Amendment 17B are calculated as the difference between the outcomes of the proposed alternative and **Alternative 1 (Status Quo).**

Figure 4-9a. Predicted change in commercial net operating revenues by gear type for golden tilefish alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

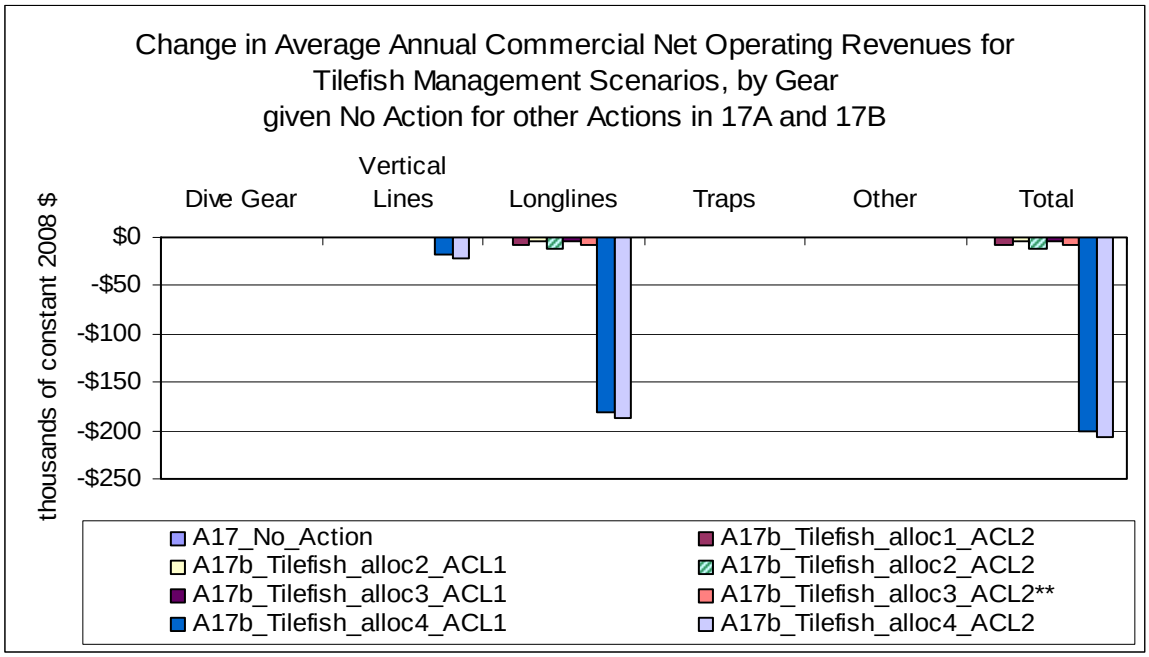


Figure 4-9b. Predicted percentage change in commercial net operating revenues by gear type for golden tilefish alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

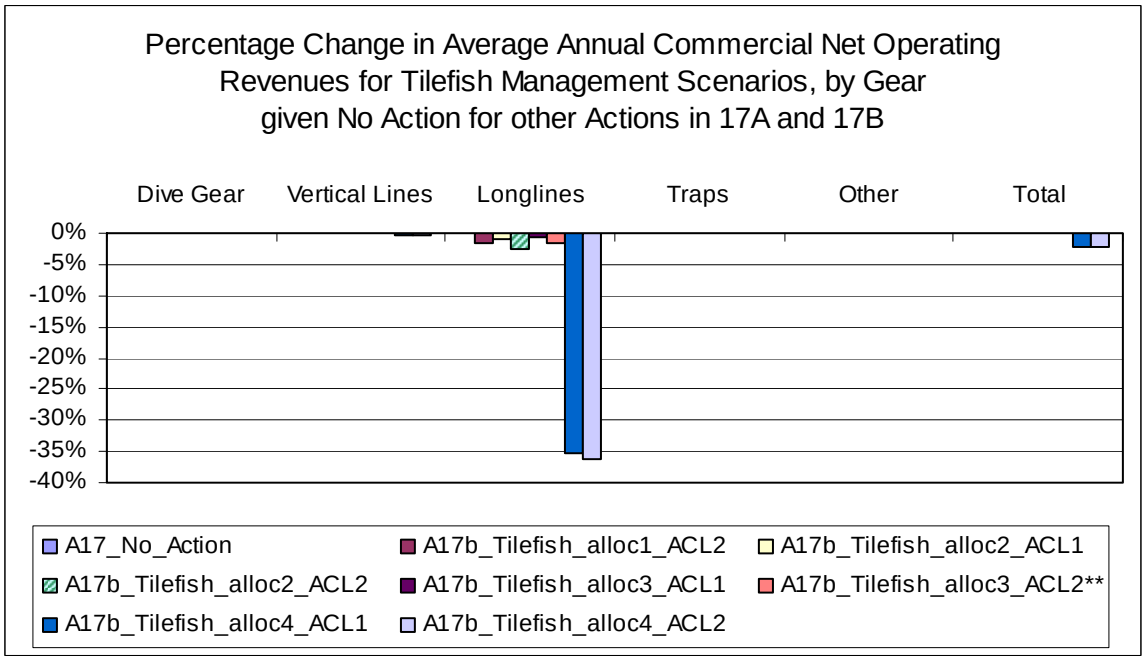


Figure 4-10a. Predicted change in commercial net operating revenues by state of landing for golden tilefish alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

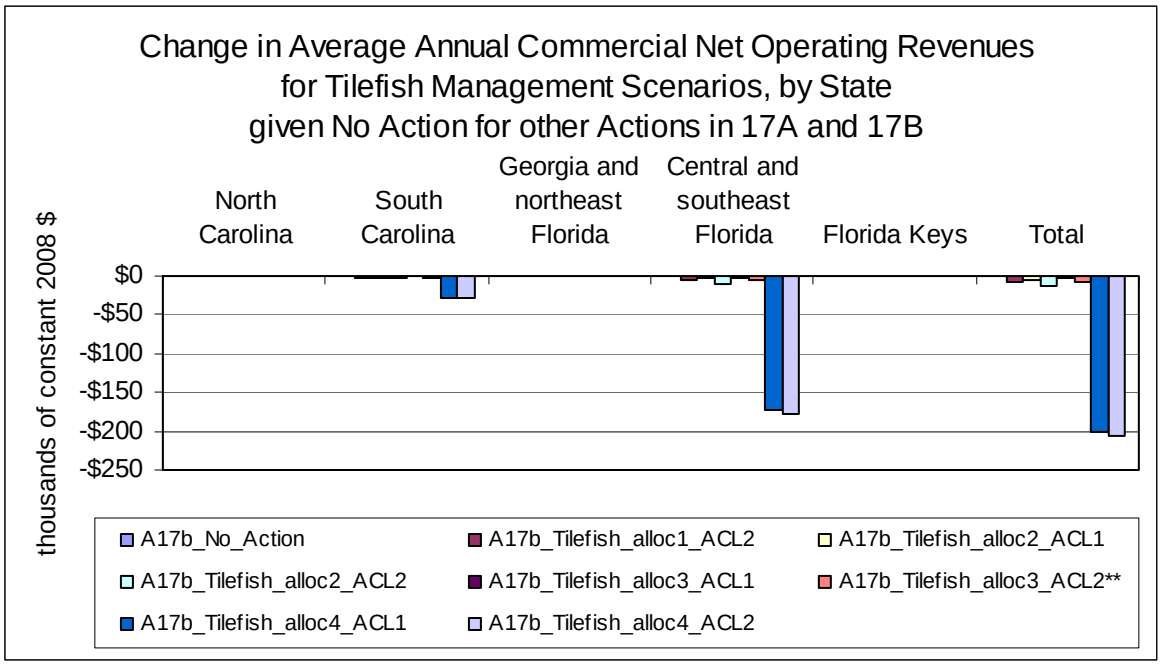
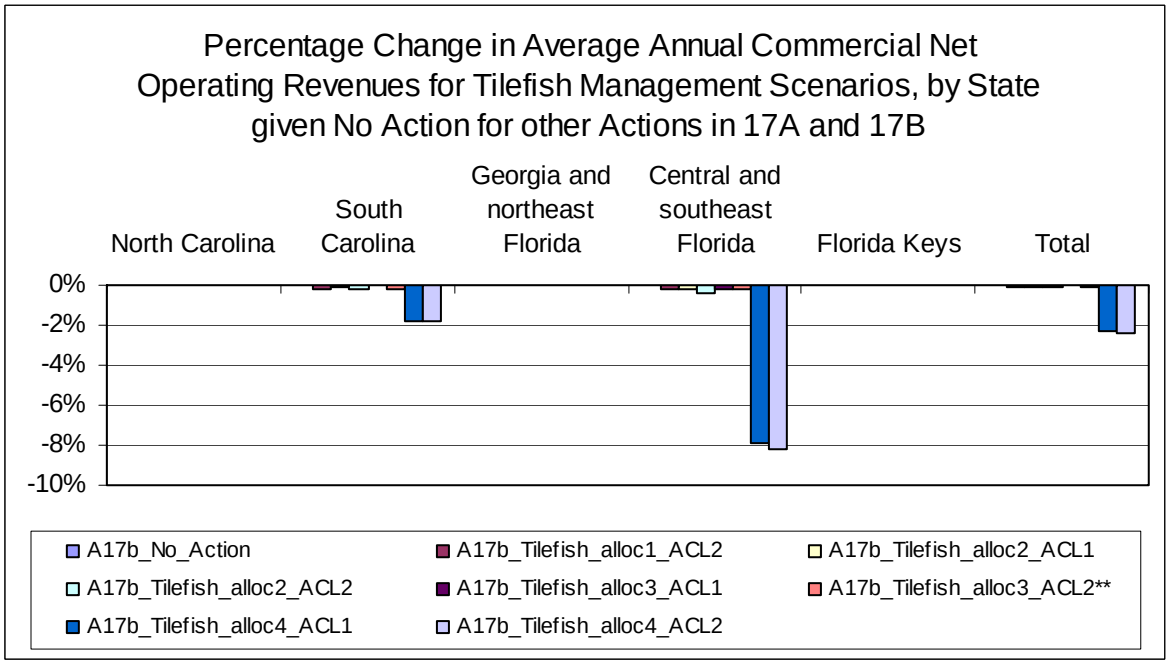


Figure 4-10b. Predicted percentage change in commercial net operating revenues by state of landing for golden tilefish alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)



Recreational Sector

Alternative 1 (Status Quo), which provides for no recreational AMs, would be expected to have no short-term economic effects on this sector. The absence of an AM; however, can materially impair the effectiveness of management measures governing the golden tilefish fishery.

Alternative 2 (Preferred) would specify a recreational sector ACL based on the sector's allocation of the yield at F_{OY}, with implementation of an AM when the ACL is exceeded. Given the various allocation alternatives, the recreational ACL would be equivalent to 10,092 pounds whole weight (9,011 pounds gutted weight), 13,457 pounds whole weight (12,015 pounds gutted weight), or 168,213 pounds whole weight (150,190 gutted weight). Based on 2005-2008 average recreational landings of 21.3 thousand pounds (Table 4-15d), the two low recreational ACLs would likely be exceeded even if landings were averaged over a number of years. It is likely that implementation of an AM would increasingly shorten the fishing season over the years. The high ACL, on the other hand, is very unlikely to be exceeded, and thus would afford the recreational sector more opportunities to derive more economic benefits from the fishery.

Alternative 3 would close the recreational fishery once the common commercial/recreational ACL of about 327 thousand pounds is reached. In 2005-2008, commercial landings averaged annually at about 364.7 thousand pounds while recreational harvests averaged at about 21.3 thousand pounds, or a combined total of 386 thousand pounds (Table 4-15d). With the ACL being about 85 percent of average commercial/recreational harvests, it is likely that the recreational sector, together with the commercial sector, would experience closures under **Alternative 3**. It is also possible the commercial sector would trigger closures of both sectors even assuming an inconsequential amount of recreational harvests.

Given the ACL of **Alternative 3**, implementing a one golden tilefish per vessel limit under **Alternative 4** would mitigate potential recreational sector losses under a single ACL. If only the commercial quota were monitored to trigger a closure, it is likely the closure would occur sometime in September of that particular year. As can be seen from Table 4-15d, the recreational sector would have harvested most of its usual harvests. The relatively small losses to the recreational sector under a September closure would even fall further under **Alternative 4**.

The ACL of 321,003 pounds under **Alternative 5** would be about 83 percent of total commercial and recreational harvests. This ACL is slightly lower than that under **Alternative 3**, but otherwise both **Alternatives 3 and 5** would have similar economic implications on the recreational sector. This ACL would be exceeded and the recreational season closed.

Average landings information in Table 4-15d provides some general sense on when the various ACLs would possibly be reached and the fishery closed. The monthly recreational landings based on MRFSS were estimated by equally splitting a wave's landing into the relevant two months. Headboats registered no landings of golden tilefish.

Under **Alternative 2 (Preferred)**, the recreational ACL of 10,092 pounds would be met sometime in June and the ACL of 13,457 would be reached in early to middle July. As noted earlier, the ACL of 168,213 pounds would unlikely be met. For the years 2005-2008, it was only

in 2005 that the recreational sector landed substantially more golden tilefish than its average. In 2005, the recreational sector registered landings of about 67 thousand pounds by the end of July. This one year's recreational landings would unlikely be repeated in the near future, given the various regulations that have recently been implemented or would be implemented in the near future. The single ACL of about 327 thousand pounds under **Alternative 3** would be reached towards the end of September. By then, the recreational sector would have landed about 98 percent of its average landings. Under **Alternative 4**, the recreational sector would not experience closures or shortened season, but the AM of 1 fish per vessel per day would likely be imposed starting October. The single ACL of about 321 thousand pounds under **Alternative 5** would be reached towards the middle of September when the recreational sector would have landed slightly less than 98 percent of its average landings.

Table 4-15d. Average monthly commercial and recreational landings of golden tilefish, in thousand pounds, 2005-2008.

	Comm.	Rec.	Total	Comm. Cumulative	Rec. Cumulative	Total Cumulative
January	41.0	0.2	41.2	41.0	0.2	41.2
February	36.4	0.2	36.6	77.4	0.4	77.8
March	37.0	0.1	37.2	114.5	0.6	115.0
April	57.4	0.1	57.5	171.9	0.7	172.6
May	45.5	4.5	50.0	217.3	5.2	222.5
June	22.1	4.5	26.6	239.5	9.7	249.1
July	11.4	5.3	16.7	250.8	15.0	265.8
August	28.0	5.3	33.3	278.8	20.3	299.1
September	34.6	0.5	35.1	313.4	20.8	334.2
October	30.9	0.5	31.4	344.3	21.3	365.6
November	13.5	0.0	13.5	357.8	21.3	379.1
December	6.9	0.0	6.9	364.7	21.3	386.0
Total	364.7	21.3	386.0			

The relative magnitude of economic effects of the various ACLs and AMs for golden tilefish may be roughly approximated using the same methodology employed for Amendment 17A. A value of $80 per angler trip is used for consumer surplus and $128 per angler trip for charterboat net operating revenue. These values are multiplied by angler target trips to arrive at the estimated losses in consumer surplus and net operating revenues. Headboats are unlikely to be affected due to the absence of headboat landings of and target trips for golden tilefish. Table 4-15e presents estimates of reductions in consumer surplus and charterboat net operating revenues.

Alternative 2 provides for 3 ACLs, but only the lower two would likely result in adverse economic effects as shown in Table 4-15e. The positive effects of the third ACL cannot be estimated. The estimated economic effects of the two ACLs of **Alternative 2** are incurred the following year after the ACL is reached. In addition, the following year's shortened season is assumed to consist of closing all consecutive months after the ACL is reached in the prior year. It is to be noted that the effects of the two ACLs for Alternative 2 and the ACL for **Alternative 5** would be the same, since the affected trips would be the same. The adverse economic effects of

Alternative 3 are substantially lower than those of the two lower ACLs of **Alternative 2**. Nevertheless, considering that there is only a single ACL under **Alternatives 3**, the possibility exists for the commercial fishermen to alter their fishing behavior, such as fishing more intensively in the first months of the fishing year. In this eventuality, the fishery may be closed earlier, resulting in more losses to the recreational sector than shown in the table. In addition, if the recreational landings were not adequately monitored, a fishery closure would occur only after the recreational sector has reached its usual level of harvests. This could result in practically no losses to the recreational sector in the current year but more losses in subsequent years if the single ACL is reduced in the following year. A similar situation could also occur under the single ACL of **Alternative 5**.

In general, the larger the short-term negative impacts are on the recreational (and commercial) sector, the more positive long-term effects can be expected. Naturally, this would depend on how the measures, including monitoring and enforcement, are successful in generating higher stock levels that would be supportive of higher recreational fishing opportunities.

Table 4-15e. Reductions in consumer surplus and net operating revenues from the various recreational ACL/AM for golden tilefish.

	Charterboats	**Private/Rental**	**Total**
	*Alternative 2: ACL of 10,092 pounds; closure starts in July**		
Consumer surplus	$55,670	$132,922	$188,592
Net operating revenue	$7,008		$7,008
Total	$62,678	$132,922	$195,600
	*Alternative 2: ACL of 13,457 pounds; closure starts in August**		
Consumer surplus	$55,670	$132,922	$188,592
Net operating revenue	$7,008		$7,008
Total	$62,678	$132,922	$195,600
	Alternative 3: single ACL of 326,554; closure starts in October		
Consumer surplus	$27,835	$66,461	$94,296
Net operating revenue	$3,504		$3,504
Total	$31,339	$66,461	$97,800
	Alternative 5: single ACL of 321,003; closure starts in September		
Consumer surplus	$55,670	$132,922	$188,592
Net operating revenue	$7,008		$7,008
Total	$62,678	$132,922	$195,600

*The AM for Alternative 2 involves a reduction in fishing season the following year and not an immediate fishery closure.

4.2.2.3 Social Effects

A discussion of the general effects of ACLs and AMs in provided in **Section 4.0** and is incorporated herein by reference.

Alternative 1 (Status Quo) would retain the existing regulations for golden tilefish and allow the commercial sector to continue to harvest the current quota, 331,000 pounds whole weight (295,000 pounds gutted weight). The commercial quota would effectively constitute the ACL for the commercial fishery, which would be closed when the quota/ACL was met. **Alternative 1 (Status Quo)** would allow for the highest ACL for the commercial sector among the alternatives considered, which in the short- term would benefit commercial fishermen and communities with the highest landings of golden tilefish, such as Cocoa Beach, Fort Pierce, and Port Orange, Florida. As stated in the biological effects discussion, **Alternative 1 (Status Quo)** would end overfishing and satisfy this aspect of the requirements of the reauthorized Magnuson-Stevens Act. However, **Alternative 1 (Status Quo)** would not satisfy the ACL and AM requirements. The ACL and AM for a resource needs to reflect the entire fishery. This can be accomplished either by specifying a global ACL and AM, which accounts for harvest by all sectors, or by specifying sector specific ACLs and AMs. Although the current commercial quota and prohibition on continued harvest once the quota is met satisfies specification requirements for the commercial sector, they do not cover the recreational sector. As a result, the absence of a recreational ACL or AM for golden tilefish under this alternative results in **Alternative 1 (Status Quo)** not being a viable long-term option. Additional subsequent management action, with duplicative administrative costs, would be required to address this deficiency. Additionally, while the absence of these controls may benefit the recreational sector in the short-term, two issues arise. The first issue is that the absence of an ACL and AM for the recreational sector could lead to over-harvest of golden tilefish and precipitate stricter harvest measures in the long-term for both the commercial and recreational sectors, with associated adverse social and economic effects. The second issue deals with equity. Although the recreational golden tilefish fishery has historically been a relatively minor fishery compared to the commercial fishery, one allocation alternative would apportion equal shares of the resource to both sectors. The absence of a harvest limit and accountability measures for a sector with equal access to the resource would not be expected to be viewed by those associated with the commercial sector, or the environmental community in general, as equitable and responsible management. Even if the allowable harvest is allocated along historic patterns, the absence of appropriate harvest constraints and accountability measures may be similarly viewed as irresponsible management in view of the capacity of unchecked recreational harvests to exceed historic harvest levels. So, as previously stated, while subsequent action would need to be taken to enact the necessary protection, such would be redundant to the current management action and opportunity, incurring a duplication of time and resources to accomplish what could be accomplished under the current amendment.

Alternative 2 (Preferred) would establish separate ACLs and AMs for both the commercial and recreational golden tilefish fisheries, thereby eliminating the potential harvest overage or equity issues associated with **Alternative 1 (Status Quo).** The AMs for the two sectors, however, differ in recognition of the different abilities to monitor harvests in real time. The AM for the commercial sector would be the same as under the status quo, such that harvests are quota-monitored and further harvest is prohibited when the quota is projected to be met. For the recreational sector, however, where final annual harvest data are not available until the subsequent fishing year, any overage in the previous year would be reflected in a reduced fishing year the subsequent year. Further, such evaluation would be based on, eventually, a three-year running average. While this system would ensure the recreational sector remained responsible

for its performance, a possible negative outcome could be substantial reduction in the length of the current fishing year, with associated short-term reductions in social benefits, due to the narrow prescriptive nature of the accountability measure, which would allow only the season length to be adjusted. Further, while the corrective action would attempt to prevent further overage, no pay-back provision (reducing the harvest by the amount of the overage) would be included. Although periodic stock assessments would be conducted and would account for the biological impacts of any overages, recreational overages could result in deteriorating stock conditions, or failure to meet recovery goals, where appropriate, resulting in decreased social and economic benefits for both the recreational and commercial sectors.

Beyond the difference in AMs for the recreational sector, the primary difference between **Alternative 2 (Preferred)** and **Alternative 1 (Status Quo)** is the potential respective sector ACLs. Under **Alternative 2 (Preferred)**, the ACLs, whether denoted in pounds (commercial sector) or fish (recreational sector), would depend on the allocation selected. In all allocation scenarios, the commercial sector would experience a reduction in the ACL compared to **Alternative 1 (Status Quo)**, though under three of the allocation scenarios (allocation **Alternatives 2-4** and, effectively, allocation **Alternative 1 (Status Quo)** because **Alternatives 2** and **4** mirror historic harvest patterns), the maximum reduction would be only approximately 5% (279,903 pounds gutted weight under allocation **Alternative 3** compared to the current quota/ACL of 295,000 pounds gutted weight). Thus, while there would be some reduction in allowable harvest, any associated social or economic effects would likely be minor. However, allocation **Alternative 5** would result in a 50% allocation of allowable harvest to each sector, which would represent a substantial reduction in the commercial ACL (and increase in the recreational allowable harvest compared to historic harvest levels) from the status quo. While this change, and associated adverse social effects, would be specifically due to the change in allocation, it is relevant to note here because **Alternative 2 (Preferred)** (and ACL **Alternative 5**) would establish sector-specific ACLs, whereas **Alternatives 3** and **4** would establish a single fishery-wide ACL, thereby negating the potential adverse effects of an allocation that substantially deviates from historic harvest patterns.

As stated in the previous paragraph, **Alternative 3** (and **Alternative 4)** would establish a single, and equal, ACL for golden tilefish that covers harvest in both the commercial and recreational sectors. This ACL would be slightly more than would be allowed under **Alternative 2 (Preferred)** (291,566 pounds gutter weight), but still less than under **Alternative 1 (Status Quo)**. As a single, whole-fishery ACL, under which the entire fishery would close when the ACL is projected to be met, either sector could increase harvests, relative to historic harvest levels, at the expense of the other. While the sector, and associated businesses and communities, with increased harvests would benefit, the other sector would not. Given the differences in harvest monitoring potential, an accelerated in-season closure may more likely be due to increased commercial harvests, such that the recreational sector also closes, with associated negative effects, even though actual recreational harvest information is not available. While the recreational fishery may get closed earlier than it otherwise would if managed separately, it is unlikely that this would result in any biological benefit to the resource. The theory of biological benefit would be, because harvest monitoring of the recreational sector is uncertain and not real time, early closure of the recreational sector may result in lower overall harvest in the given year. Also, it could be argued that early recreational closure may be successful in preventing harvest

overages that are not identified until the subsequent year, thereby reducing the adverse effects of corrective action the subsequent year (corrective action need not be payback; because a closure date would include expectations of projected harvests as well as actual, accelerated harvests in the previous year or years would be incorporated in current year projections, effectively constituting a corrective action). The reality of either event is speculative at best. Further, actual total harvest will still be determined when final data is available, such that long-term biological neutrality will be preserved (allowable harvests will be increased or decreased according to stock growth or harvest overages). In the long term, this alternative primarily would simply allow a functional reallocation of social and economic benefits according to the intentional or circumstantial harvest aggressiveness of the competing sectors.

The effects of **Alternative 4** would be expected to mirror those of **Alternative 3** except for one key difference. **Alternative 3** would close the entire fishery when the ACL was projected to be met; whereas, **Alternative 4** would allow the recreational fishery to remain open under a one-fish per vessel daily bag limit. While this would allow the recreational sector to avoid the in-season loss of benefits associated with an earlier than expected closure due to accelerated commercial harvests, such would result in continued harvest in excess of the ACL, with potential adverse stock effects that would eventually have to be repaid through reduced total harvest levels. As a result, while the recreational sector would benefit in the short-term, corrective action to address biological issues could result in decreased long-term social and economic benefits to the entire fishery.

The effects of **Alternative 5** would be expected to mirror those of **Alternative 3** except that the total ACL would be smaller as it would be based solely on the commercial allocation. Hence, whereas under **Alternative 3** the ACL would be 291,566 pounds gutted weight, under **Alternative 5** the ACL could range from 145,783-282,819 pounds gutted weight, depending on the allocation selected. As a result, the adverse social and economic effects of **Alternative 5** would be expected to be greater than those of **Alternative 3**. Although not a substantive fishery, the recreational sector may get penalized the most as the commercial sector, regardless of allocation, may have the greatest incentive to ensure they get their allocation, resulting in accelerated commercial harvests and early closure of the fishery at the expense of the recreational sector. While some biological benefit may be gained with the ACL based only on historic commercial harvests, particularly under equal sector allocations, because the resource is neither overfished nor undergoing overfishing, there is no basis to assume long-term social and economic gains would compensate for the short-term losses associated with more conservative allowable harvests.

Given the qualitative nature of the expected effects and the uncertainty of what may actually occur compared to what is possible, strict ranking of the alternatives is not possible. While **Alternative 1 (Status Quo)** would allow the largest total harvest, which would suggest the greatest amount of social benefits as long as the stock is adequately protected, equity issues arise as the recreational sector would not be subjected to the same harvest control or accountability measures as the commercial sector. **Alternative 2 (Preferred)** would establish limits and sector-specific accountability measures, eliminating the equity issues of **Alternative 1 (Status Quo)**, but would reduce the overall allowable harvest. Although **Alternative 3** would allow the same total harvest as **Alternative 2 (Preferred)**, it would be expected to result in lower social benefits

because it would allow one sector to gain at the expense of the other and would require no individual sector accountability. **Alternative 4** would be expected to result in greater social benefits than **Alternative 3** in the short-term, but may result in greater adverse long-term effects if harvest overages degrade the resource. **Alternative 5** may result in the lowest social benefits of all the alternatives considered because of the possibility that the fishery may be restricted to half of its total annual average historic harvests.

4.2.2.4 Administrative Effects

Specifying the current quota as the golden tilefish ACL under **Alternative 1 (Status Quo)** would be the least burdensome of all the alternatives since the quota has already been implemented and quota monitoring already exists. However, no AM would be established for the recreational sector under **Alternative 1 (Status Quo),** which may result in the ACL being exceeded. **Alternative 2 (Preferred)** would require tracking the commercial and recreational landings every year, which would be averaged over three years on a continuous basis. The tracking of recreational landings can be challenging and would likely impose an burden on the administrative environment. Other administrative burdens that may result from all of the alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants, and in the case of **Alternative 4**, enforcement of a 1 fish trip limit. Overall, enforcement of **Alternatives 2 (Preferred)** through **Alternative 5** would not exceed or add to status quo enforcement costs or effort for this fishery.

4.2.2.5 Council's Conclusion

4.3 Snowy grouper

Alternative 1 (Status Quo). Retain existing regulations for snowy grouper. The commercial ACL (82,900 lbs gw) is based on the current TAC of 102,960 lbs ww (87,254 lbs gw), which is based on the yield at F_{OY}. The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. The recreational ACL equals 523 fish. Do not implement AMs for the recreational sector. Do not implement an ACT for the commercial or recreational sector.

Alternative 2 (Preferred). Establish a recreational daily bag limit of 1 snowy grouper *per vessel*. Implement AMs for the recreational sector for snowy grouper. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use three-year running average.

The IPT suggested the Council may want to consider adding an overage correction to the commercial AM, whereby one year's overage would result in a payback administered the following year.

Alternative 3. Establish a single ACL (commercial and recreational) based on the current TAC of 102,960 lbs ww (87,254 lbs gw). The AM for both sectors would be a closure when the ACL is projected to be met.

Alternative 4. Establish a recreational AM that would implement a 1 snowy grouper *per vessel* limit when the ACL (the commercial quota) is projected to be met. The AM for the commercial sector would be closure when the quota is met.

4.3.1 Biological Effects

Revisions to the Magnuson-Stevens Act in 2007 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing must establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective SSC or other established peer review processes. These FMPs also are required to establish within this time frame measures to ensure accountability. Terms including OFL, ABC, ACT, and AM are defined in **Section 4.0**.

Alternative 1 (Status Quo) would maintain the status quo for snowy grouper. Amendment 13C established a commercial quota that stepped down over three years to 84,000 lb gutted weight to the yield associated with 75%F_{MSY}. Once the quota is met all fishing for or possession of snowy grouper is prohibited. Amendment 15A, which was implemented in 2008, specified a rebuilding strategy, which holds the catch levels steady while the stock rebuilds. Amendment 15B allocated 95% of the total allowable catch to the commercial sector and 5% to the recreational sector. Amendment 15B a commercial quota of 82,900 lbs gutted weight and the recreational allocation of 523 fish (4,400 lbs gutted weight). These measures were approved by the Council's SSC and the SEFSC with the intent of ending overfishing and rebuilding the stock.

The final NS1 guidelines recognize that existing FMPs may use terms and values that are similar to, associated with, or may be equivalent to OFL, ABC, ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. In these situations the guidelines suggest that, as Councils revise their FMPs, they use the same terms as set forth in the NS1 guidelines.

Alternative 1 (Status Quo) would retain management measures that are equivalent to OFLs, ABCs, ACLs, and AMs specified by the reauthorized Magnuson-Stevens Act and in the final NS1 guidelines. Amendment 15A specifies an overfishing level for snowy grouper at the yield at F_{MSY}, which is equivalent to the OFL. Amendment 15A also specifies a rebuilding plan for snowy grouper that holds catch levels steady while the stock rebuilds. The catch level for snowy grouper in 2009 will approximate the yield at 75% F_{MSY} in 2009 and will drop below that level as the stock rebuilds. The catch level specified in the rebuilding plan would be equivalent to the ABC as recommended by the SSC at their December 2008 meeting.

The ACL serves as a catch limit for a species which triggers some sort of AM to ensure overfishing of a species does not occur, or corrects for some overage of an ACL. The ACL for

the commercial and recreational sectors for snowy grouper are based on the yield at 75%F_{MSY} as specified in Amendment 15B where the ACL for the commercial sector is the commercial quota and the recreational ACL is 523 fish. Amendments 13C and 15A established measures to reduce the chances that overfishing occurs by closing all commercial fishing for snowy grouper when the quota (commercial ACL) is reached and can be considered to be equivalent to an AM. An AM for the recreational sector was not specified in Amendments 13C or 15A. Therefore, **Alternative 1 (Status Quo)** for snowy grouper, which was determined to be based upon the best available science by the SSC, would end overfishing and satisfy the requirements of the reauthorized Magnuson-Stevens Act if future harvest is kept below the sector ACLs.

However, if future harvest trends are at the same level or greater as those in recent years, then **Alternative 1** (**Status Quo)** could have negative effects to the stock and impose a risk of overfishing (Table 4-16). Sustainability of the stock could be compromised without a system of accountability measures that mitigate overages of the recreational ACL if it is exceeded.

Table 4-16. Recreational harvest of snowy grouper in 2007 and 2008.

Year	Private recreational and charter total catch (number of fish)	PSE	Headboat (number of fish)
2005	10,935	60.3	347
2006	13,487	31.5	97
2007	3,771	44.4	195
2008	1,770	34.1	53

Source MRFSS and Headboat Survey

Alternative 2 (Preferred) would establish a recreational daily bag limit of 1 snowy grouper per vessel per day. If the recreational ACL (523 fish) is exceeded, the Regional Administrator would reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL the following year. In order to overcome the challenges of monitoring such a low, and highly variable level of recreational landings of snowy grouper, the recreational ACL would be compared with the actual recreational landings over a range of years. For 2010, only 2010 landings would be used. For 2011, the average of 2010 and 2011 landings would be used. For 2012 and beyond, a three year running average would be used.

Bag limits are designed to reduce fishing mortality by reducing the number of fish landed and the amount of time spent pursuing a species. When properly designed, bag limits are generally expected to benefit the environment in the short-term and long-term by limiting the extent to which a stock is targeted. However, the extent to which such benefits are realized depends on if and to what extent fishing effort changes or shifts in response to the selected management measure. For example, discard mortality can limit the amount by which fishing mortality is reduced by bag limits if fishermen continue to target co-occurring species after the catch quota or limit has been achieved.

Since release mortality of snowy grouper is considered to range from 90-100 percent, a smaller bag limit would provide little reduction in fishing mortality if fishermen continued to target snowy grouper, because the vast majority of released fish would likely die from the trauma of capture. **Alternative 2 (Preferred)** would change the snowy grouper bag limit implemented through Snapper Grouper Amendment 13C from 1 fish per *person* per day, to 1 fish per *vessel* per day. Since recreational landings of the species are generally low compared to the commercial sector, any recreational fishing mortality reduction realized under this alternative is likely to be negligible relative to overall fishing mortality reductions needed to rebuild the stock. Therefore, the key to reducing fishing mortality of snowy grouper in the recreational sector is to remove the incentive to target the species, which **Alternative 2 (Preferred)** may help to accomplish. The reduction in the bag limit to 1 fish per person per day in 2006, appears to have reduced the recreational catch as MRFSS landings decreased from 13,487 fish in 2006 to 3,771 and 1,770 in 2008 and 2009, respectively. However, estimated catch is above the proposed ACL of 523 fish.

One factor that may have a greater impact on harvest reductions of snowy grouper is **Alternative 4 (Preferred)** under Action 1 of this amendment to reduce harvest of speckled hind and warsaw grouper (**Section 4.1**). The Action 1 preferred alternative would prohibit fishing for and or possession of all deepwater snapper grouper species (snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper beyond the depth of 240 feet (73 m). Snowy grouper utilize a wide range of depths throughout their life cycle, 98-1,722 ft (30-525m) (NMFS 2009). Adults occur offshore over rocky bottom habitat (Heemstra and Randall 1993), and like speckled hind and warsaw grouper, they migrate to greater depths as they mature. Therefore, if **Alternative 4 (Preferred)** under Action 1 in this amendment is implemented through rulemaking, there is a high probability that sexually mature snowy grouper would also be protected. Such protections could lead the stock to rebuild faster than its current rebuilding schedule. The selection of **Alternative 4 (Preferred)** under Action 1 would also increase the chance the recreational allocation of 523 fish would not be exceeded.

Alternative 3 would establish a single ACL for the commercial and recreational sectors by using the total of the commercial ACL (quota) at the F_{OY} level and the recreational allowable harvest at the OY level. The total ACL would be 87,254 lbs gutted weight. When the single ACL is projected to be met, the AM would prohibit fishing for or retention of snowy grouper in the commercial and recreational sectors. **Alternative 3** would have less of a biological benefit since it would only prohibit harvest after the ACL is projected to be met, and would not account for any overages of the ACL in subsequent fishing years. Under **Alternative 3**, it would be difficult to monitor the recreational component of the total ACL because recreational landings are small, encounter rates are few, and estimates of recreational catch are extremely variable (Table 4-10a). **Alternative 2 (Preferred)** prescribes a sound method for dealing with this recreational catch data uncertainty and provides a means by which any recreational overages may be accounted for in subsequent fishing years. Therefore, **Alternative 2 (Preferred)** would be more biologically beneficial than **Alternative 3**.

Table 4-17a. Landings (lbs whole weight) of snowy grouper in the commercial (Comm), headboat (HB), and recreational (MRFSS) fisheries. PSE = percent standard error.

Year	Comm	HB	MRFSS	MRFSS PSE	% Comm
2001	339,431	953	39,248	47	89%
2002	316,408	578	8,512	66	97%
2003	298,248	467	13,417	76	96%
2004	268,150	388	26,526	46	91%
2005	263,378	1,617	31,656	93	89%
2006	274,181	669	166,901	34	62%
2007	142,547	308	26,973	48	84%
2008	95,742	91	14,919	65.9	86%

Alternative 4 would establish a recreational AM that would reduce the current bag limit of 1 snowy grouper per *person* per day to 1 snowy grouper per *vessel* per day when the commercial ACL is projected to be met. The AM for the commercial sector would be a closure when the quota is met. Since some recreational harvest would be allowed after the ACL is met, and there would be no built-in mechanism to account for overages, the biological benefits of **Alternative 4** would be less than **Alternative 2 (Preferred)** and **Alternative 3.** When ranked in order from the least to greatest biological benefits for the recreational sector, the alternatives considered can be arranged as follows: **Alternative 1 (Status Quo)**; **Alternative 3**; **Alternative 4**; and **Alternative 2 (Preferred)**.

Alternative 1 (Status Quo) would perpetuate the existing level of risk for interactions between ESA-listed species and the fishery. **Alternative 2 (Preferred)** and **Alternatives 3** and **4** are unlikely to have adverse effects on ESA-listed *Acropora* species. Previous ESA consultations determined the snapper grouper fishery was not likely to adversely affect *Acropora* species. Establishing ACLs or AMs is unlikely to alter fishing behavior in a way that would cause new adverse effects to these species. The impact of **Alternative 2 (Preferred)** and **Alternatives 3** and **4** on sea turtles and smalltooth sawfish is uncertain. If the establishment of ACLs or AMs does not change the existing amount of fishing effort, but causes effort redistribution, any potential effort shift is unlikely to change the level of interaction between sea turtles and smalltooth sawfish and the fishery as a whole. If implementation of ACLs or AMs causes a reduction in fishing effort, the risk of interaction between ESA-listed species and the fishery will likely decrease.

Table 4-17b. Landings of snowy grouper (numbers A + B1) by wave. Wave 1 = January-February; Wave 2 = March-April; Wave 3 = May-June; Wave 4 = July-August; Wave 5 = September-October; Wave 6 = November-December.

Wave	2005	2005 PSE	2006	2006 PSE	2007	2007 PSE	2008	2008 PSE
1	0	0	0	0.0	0	0	0	0
2	276	59.4	119	61.7	340	74.4	147	47.3
3	141	99.7	13,090	32.4	637	78.7	0	0
4	5,097	91.7	252	99.5	1,772	50.5	812	66

Wave	2005	2005 PSE	2006	2006 PSE	2007	2007 PSE	2008	2008 PSE
5	4,573	100	0	0	1,367	98.5	301	60.5
6	850	99.6	85	100	498	54.4	509	39.1

Source: MRFSS Web site. PSE = percent standard error.

Table 4-17c. Monthly landings of snowy grouper (lbs whole weight) caught by commercial fishermen during 2005-2008.

Month	2005	2006	2007	2008
1	14,640	12,750	7,220	10,822
2	20,536	27,255	4,821	4,381
3	23,715	31,640	18,066	5,712
4	41,274	47,862	20,133	10,537
5	46,594	46,886	16,854	10,413
6	26,756	42,329	26,750	9,953
7	26,685	32,728	13,382	12,231
8	14,309	16,530	11,573	12,912
9	14,236	10,221	8,910	6,926
10	9,725	5,882	6,252	2,537
11	13,123	21	3,956	7,866
12	11,785	77	4,630	1,452

Source: ALS data

4.3.2 Economic Effects

Commercial Sector

Alternative 1 (Status Quo), which maintains the commercial quota of 82,900 pounds gutted weight, would not be expected to have any short or long-term economic effects on the commercial sector.

Alternative 2 (Preferred), which applies a bag limit to the recreational sector and establishes an AM for the recreational sector is not expected to have a short-term economic effect on the commercial sector. There would be long-term positive economic effects for the commercial fishery due to implementation of an AM for the recreational fishery, assuming the recreational catch can be accurately monitored.

Alternative 3, which establishes a single ACL for the commercial and recreational sectors of 87,254 pounds gutted weight and an AM that closes the fishery when the ACL is met, could have a positive or negative short-term economic effect on the commercial fishery. If the shared ACL results in the commercial sector harvesting more than the 82,900 pounds allowed under **Alternatives 1 (Status Quo)** and **2 (Preferred)**, the commercial sector would benefit in the short-term up to $13,541 in ex-vessel revenues (4,354 pounds). If the commercial sector

harvests less than 82,900 pounds allowed under **Alternatives 1 (Status Quo)** and **2 (Preferred)**, then the commercial sector will experience negative short-term economic effects, the amount of which depends on how much less is harvested. Either scenario could result in a shorter season than that experienced under **Alternatives 1 (Status Quo)** and **2 (Preferred)**.

Alternative 4 establishes a recreational AM of one snowy grouper per vessel when the commercial ACL is met. This could result in negative long-term economic effects for the commercial sector if the OFL is exceeded or if the recreational catch cannot be accurately monitored.

For the period 2003-2007, commercial landings averaged annually at about 230 thousand pounds (Table 3-38), but due partly to more restrictive regulations over time commercial landings fell to about 133 thousand pounds in 2007.

Recreational Sector

Alternative 1 (Status Quo), which provides for no accountability measures, would be expected to have no short-run economic effects on the recreational sector, but long-term benefits would be reduced.

As provided in Amendment 15B, the recreational ACL would be set at 523 fish (4,400 gw) for the recreational snowy grouper fishery. This ACL is very low even when compared to the recreational landings of snowy grouper after the bag limit reduction in 2006. If effectively constrained to its ACL, the recreational sector may appear to incur relatively large short-run economic losses. **Alternative 2 (Preferred)**, with its bag limit of 1 fish per vessel per day, offers a high likelihood of constraining the recreational sector to its ACL. In a sense, **Alternative 2** would render the recreational snowy grouper fishery a bycatch fishery, if it already were not. As with other measures, there arises the issue of effective monitoring and enforcement of the bag limit. Although the recreational ACL is low, target trips for snowy grouper are low in all fishing modes (see Table 3-50). The immediate implication here is that the economic effects of **Alternative 2** may turn out to be relatively small. While charterboats accounted for most of recreational snowy grouper harvest (Table 3-45), the private mode registered a slightly higher target trip (Table 3-50), giving rise to the possibility that the private mode anglers would incur slightly more losses in consumer surplus than charterboat anglers.

Alternative 3 would close the recreational fishery once the single commercial and recreational ACL of about 103 thousand pounds is reached. For the period 2005-2008, commercial landings averaged annually at about 194 thousand pounds (Table 4-17d). Due partly to more restrictive regulations over time commercial landings trended significantly downward since 2006. In addition, Amendment 15B imposed a commercial ACL (quota) of 82,900 pounds gutted weight, with the commercial sector closed once the quota is met. It would appear, then, that factors, other than this present amendment, exist to reduce future commercial landings. Recreational landings of snowy grouper have fluctuated over time and averaged annually at about 8.4 thousand pounds for the years 2005-2008 (Table 4-17d). With the bag limit reduction to 1 fish per person per day in 2006, recreational landings plummeted in subsequent years. Again, factors exist, other than this amendment, which would reduce future recreational landings of snowy

grouper. In addition, some alternatives under Action 1, including the current preferred alternative, would act to reduce, partially or fully, recreational landings of snowy grouper. Therefore, given those other factors that would reduce commercial and recreational landings in the future, the adverse economic effects of **Alternative 3** on the recreational sector may be deemed relatively small.

Alternative 4 would implement the same bag limit as **Alternative 2**, but only when the commercial ACL of 82,900 pounds gutted weight is reached. The economic effects of both alternatives would be similar in nature but not in magnitude. **Alternative 4** would bring about lower reductions in economic benefits than **Alternative 2 (Preferred)**, because the recreational sector would operate at the more restrictive bag limit only part of the year. The recreational sector, by possibly exceeding its ACL and fishing part of the year with less competition from the commercial sector, would experience relatively lower economic losses under **Alternative 4**.

The economic effects of the various alternatives would partly depend on when the appropriate ACL is reached. Information in Table 4-17d provides some approximate timing of when the ACL would be reached. As earlier noted, both commercial and recreational landings experienced a substantial downward trend since 2006, so using average commercial and recreational data for 2005-2008 would tend to overestimate the true effects of the various ACL alternatives.

Under **Alternative 2 (Preferred)**, the recreational sector would remain open all year long, at least the first year of its implementation. However, the recreational ACL of about 5,192 pounds whole weight would be reached in July. Implementation of AM would shorten the following year's season, with the closure possibly commencing in August. The single commercial/recreational ACL of **Alternative 3** of about 103 thousand would be reached in May, with recreational (and commercial) fishery closure starting in June. Given the commercial ACL of about 97,824 pounds whole weight under **Alternative 4**, the recreational AM of 1 fish per vessel per day would commence in May or June. The recreational sector, nonetheless, would remain open year round.

Table 4-17d. Average monthly commercial and recreational landings of snowy grouper, in thousand pounds whole weight, 2005-2008.

	Comm.	Rec.	Total	Comm. Cumulative	Rec. Cumulative	Total Cumulative
January	11.4	0.0	11.4	11.4	0.0	11.4
February	14.2	0.1	14.3	25.6	0.1	25.7
March	19.8	0.2	19.9	45.4	0.3	45.7
April	30.0	0.2	30.1	75.3	0.5	75.8
May	30.2	1.8	32.0	105.5	2.3	107.8
June	26.4	1.8	28.3	132.0	4.1	136.1
July	21.3	1.0	22.3	153.2	5.2	158.4
August	13.8	1.0	14.8	167.1	6.2	173.2
September	10.1	0.9	10.9	177.1	7.0	184.2
October	6.1	0.8	6.9	183.2	7.9	191.1

November	6.2	0.3	6.5	189.5	8.1	197.6
December	4.5	0.2	4.7	194.0	8.4	202.3
Total	194.0	8.4	202.3			

Given certain assumptions on the number of target trips that may be affected by the various alternatives, recreational losses in terms of consumer surplus and net operating revenues may be roughly approximated. A similar methodology used in Amendment 17A is used here, with $80 as consumer surplus loss, $128 as net operating revenue loss to charterboats, and $68 as net operating revenue loss to headboats. Table 4-17e presents the estimated short-term economic losses.

The ACL under **Alternative 2 (Preferred)** is about 62 percent of 2005-2008 recreational landings. Assuming similar proportion between landings and target trips, **Alternative 2 (Preferred)** would adversely affect 38 percent of recreational target trips. This would affect 39 charterboat target trips, 30 headboat target trips, and 3 private target trips. Headboat target trips were derived by taking the proportion of monthly snowy grouper landings to monthly snapper-grouper landings of headboats, and then applying the resulting ratio to the monthly headboat angler trips.

Alternative 3 is assumed to adversely affect recreational target trips for July through December, considering that the ACL would be reached in June. With this assumption, the number of target trips adversely affected would be 61for charterboats, 9 for private/rental, and 35 for headboats.

Alternative 4 is assumed to adversely affect 32 percent of target trips in September through December, considering that the recreational AM of 1 fish per vessel per day would take effect in September. In addition, it is assumed that the same ratio as used for **Alternative 2 (Preferred)** would apply to the trips when the recreational sector is subject to the 1 fish per vessel per day bag limit. This alternative would adversely affect 39 charterboat trips, 3 private/rental trips, and 39 headboat trips.

Table 4-17e. Reductions in consumer surplus and net operating revenues from various alternatives.

	Charterboats	Headboats	Private/Rental	Total
	Alternative 2			
Cons. Surplus	$24,354	$9,594	$40,713	$74,661
Net Oper. Rev.	$30,690	$6,006		$36,696
Total	$55,044	$15,600	$40,713	$111,357
	Alternative 3			
Cons. Surplus	$0	$2,337	$50,922	$53,259
Net Oper. Rev.	$0	$1,463		$1,463
Total	$0	$3,800	$50,922	$54,722
	Alternative 4			
Cons. Surplus	$0	$1,845	$40,713	$42,558
Net Oper. Rev.	$0	$1,155		$1,155
Total	$0	$3,000	$40,713	$43,713

Some of the factors that may produce results different from ones described above include the level of compliance, effectiveness in monitoring and enforcing the various ACLs/AMs and adaptive change in behavior of the affected individuals. **Alternative 2 (Preferred)** would impose a very restrictive bag limit that could limit the recreational sector to its ACL if compliance level were high or enforcement effective. If not, the ACL would be exceeded and, given an adequate monitoring effort, the recreational season would be shortened the following year. A shortened season, however, can prompt certain behavioral changes that could render monitoring inadequate, such as misreporting landings of snowy grouper.

Given the difficulty of obtaining recreational landings records on a real time basis, commercial landings records would be relied more in determining whether the ACL under **Alternative 3** has been reached. In this case, **Alternative 3** would allow both the commercial and recreational sectors to exceed their respective ACLs. If closures do occur, as shown above, the commercial sector may shift more effort to the early part of the year, resulting in dwindling fishing seasons over the years. While the commercial sector would still exceed its ACL, the recreational sector may eventually be landing fish lower than its ACL. More economic losses to the recreational sector can be expected from such a situation.

Under **Alternative 4**, the recreational sector would incur more economic losses if the commercial sector starts shifting more effort towards the start of the year. The recreational sector, nonetheless, would likely remain open all year long so that even if losses increase over time the sector would be best off under this alternative.

4.3.3 Social Effects

A discussion of the general effects of ACLs and AMs in provided in **Section 4.0** and is incorporated herein by reference.

Alternative 1 (Status Quo) would retain the existing regulations for snowy grouper and allow the commercial sector to continue to harvest the current quota, 82,900 pounds gutted weight and allow the recreational sector to harvest 523 fish. The commercial quota and the recreational allocation would effectively constitute the ACL for each sector. The commercial fishery would be closed when the quota/ACL was met, but no AM for the recreational sector would be specified. As a result, similar to the discussion on golden tilefish, because of the sector-level approach for ACLs in the snowy grouper fishery and the absence of a recreational AM, **Alternative 1 (Status Quo)** would not fully satisfy the requirements of the reauthorized Magnuson-Stevens Act and is not a viable long-term option. Additional subsequent management action, with duplicative administrative costs, would be required to address this deficiency. The absence of an AM in the recreational sector may benefit the sector in the short-term, but two issues arise. The first issue is that the absence of an AM for the recreational sector could lead to over-harvest of snowy grouper and precipitate stricter harvest measures in the long-term for both the commercial and recreational sectors, with associated adverse social and economic effects. The second issue deals with equity. Although the recreational snowy grouper fishery has historically been a relatively minor fishery, the absence of an AM in a fishery without substantive effort controls could be viewed as irresponsible management. Even with a restrictive

daily of one fish per person, the potential for unchecked effort resulting in harvests that substantially exceed historic harvest levels may be significant. While subsequent action could be taken to enact any necessary protection, should the need arise, such would be redundant to the current management action and opportunity, incurring a duplication of time and resources to accomplish what could be accomplished under the current amendment.

In addition to continuing the status quo total harvest limits for both sectors and the commercial closure provisions when the commercial quota is met, **Alternative 2 (Preferred)** would reduce the recreational daily bag limit from one fish per person to one fish per vessel and implement an AM for the recreational sector. The reduction in the bag limit would not be expected to reduce the social benefits associated with the fishery because the total allowable harvest for the recreational sector would remain unchanged. It is assumed that the recreational sector would still be able to harvest its allocation under the reduced limit. All that would be affected would be who harvested the fish (two fish would have to be harvested on separate vessels rather than the same vessel) or when they were harvested (the same angler would have to harvest two fish on separate trips). The more restrictive limit could result in increased mortality if multiple snowy grouper are caught on the same trip and dead fish are required to be thrown overboard. Alternatively, fishermen may be motivated to change their fishing location upon the harvest of the first snowy grouper in order to avoid catching a second. Any increased mortality or forced fishing behavioral change may be viewed by some as wasteful or an unnecessary infringement on fishing practices. However, as an extremely minor recreational target species (fewer than 700 recorded trips per year), such sentiments should be rare. The implementation of an AM for the recreational sector would be expected to eliminate concerns of harvest overage and associated threats to the resource, as well as reduce the equity concerns that may arise if each sector is not held accountable for its actions, as might occur under **Alternative 1 (Status Quo)**. The recreational AM may result in lower social and economic benefits to the recreational sector in subsequent years should harvest overages occur despite the reduced limit, but, assuming the overages do not degrade the health of the resource, the overages would, in effect, be a trade of increased current benefits for reduced future benefits. The net outcome is unknown, but given the small size of the snowy grouper recreational fishery, it is assumed the corrective action would not result in additional cumulative or compounded negative effects that exceed the short-term benefits of the overage (i.e., no business would be expected to close due to a closure of the recreational snowy grouper fishery in order to prevent re-occurrence of an overage).

Alternative 3 would establish a single ACL for snowy grouper that covers harvest in both the commercial and recreational sectors. This ACL would be equal to that of **Alternative 1 (Status Quo)**, **Alternative 2 (Preferred)**, and **Alternative 4**. However, as a single, whole-fishery ACL, under which the entire fishery would close when the ACL is projected to be met, either sector could increase harvests, relative to historic harvest levels, at the expense of the other. While the sector, and associated businesses and communities, with increased harvests would benefit, the other sector would not. Given the differences in harvest monitoring potential, an accelerated in-season closure may more likely be due to increased commercial harvests, such that the recreational sector also closes, with associated negative effects, even though actual recreational harvest information is not available and/or may be negligible. While the recreational fishery may get closed earlier than it otherwise would if managed separately, it is unlikely that this would result in any biological benefit to the resource. The theory of biological benefit would be,

because harvest monitoring of the recreational sector is uncertain and not real time, early closure of the recreational sector may result in lower overall harvest in the given year. Also, it could be argued that early recreational closure may be successful in preventing harvest overages that are not identified until the subsequent year, thereby reducing the adverse effects of corrective action the subsequent year (corrective action need not be payback; because a closure date would include expectations of projected harvests as well as actual, accelerated harvests in the previous year or years would be incorporated in current year projections, effectively constituting a corrective action). The reality of either event is speculative at best. Further, actual total harvest will still be determined when final data are available, such that long-term biological neutrality will be preserved (allowable harvests will be increased or decreased according to stock growth or harvest overages). In the long term, this alternative would simply allow a functional reallocation of social and economic benefits according to the intentional or circumstantial harvest aggressiveness of the competing sectors.

The effects of **Alternative 4** would be expected to mirror those of **Alternative 3** except for one key difference. While **Alternative 3** would close the entire fishery when the ACL was projected to be met, **Alternative 4** would allow the recreational fishery to remain open under a one-fish per vessel daily bag limit. While this would allow the recreational sector to avoid the in-season loss of benefits associated with an earlier than expected closure due to accelerated commercial harvests, such would result in continued harvest in excess of the ACL, with potential adverse stock effects that would eventually have to be repaid through reduced total harvest levels. As a result, while the recreational sector would benefit in the short-term, corrective action to address biological issues could result in decreased long-term social and economic benefits to the entire fishery.

In summary, **Alternative 1 (Status Quo)** would allow the same total harvest as **Alternative 2 (Preferred)** and **Alternative 3**, but would be expected to invoke equity issues as the recreational sector would not be subjected to the same harvest control or accountability measures as the commercial sector. **Alternative 2 (Preferred)** would establish limits and sector-specific accountability measures and eliminate the equity issues of **Alternative 1 (Status Quo)**. Although **Alternative 3** would allow the same total harvest as **Alternative 2 (Preferred)** (and **Alternative 1 (Status Quo)**), it would be expected to result in lower social benefits because it would allow one sector to gain at the expense of the other and would require no individual sector accountability. **Alternative 4** would be expected to result in greater social benefits than **Alternative 3** in the short-term, but may result in greater adverse long-term effects if harvest overages degrade the resource.

4.3.4 Administrative Effects

Specifying the current quota based on the TAC of 102,960 lbs ww (87,254 lbs gw) as the snowy grouper ACL under **Alternative 1 (Status Quo)** would be the least burdensome of all the alternatives since the quota has already been implemented and quota monitoring already currently exists. However, no AM would be established for the recreational sector under **Alternative 1 (Status Quo),** which does not meet the purpose and need of this amendment which is to comply with ACL provisions of the Magnuson-Stevens Act. **Alternative 2**

(Preferred) would be the most administratively burdensome of all the alternatives analyzed since it would not only require monitoring of a very small recreational allocation, it would also require the publication of notices informing anglers of each year's overages and what actions would be taken in the following year to compensate for those overages. **Alternatives 3** and **4** would likely incur similar minimal administrative effects relative to each other and **Alternative 1 (Status Quo)**. Those effects would take the form of development and dissemination of outreach materials, and coordination among various NOAA Fisheries Service line offices.

4.3.5 Council Conclusions

4.4 Black grouper, black sea bass, gag, red grouper, and vermilion snapper

Alternative 1 (Status Quo). Retain existing regulations for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

ACLs

The commercial and recreational ACLs are specified in Table 4-18. The ACLs for black sea bass are based on a constant catch rebuilding strategy. The gag, vermilion snapper, and black sea bass ACLs are based on the yields at F_{OY}, and would remain in effect beyond 2009 until modified. The ACLs for black grouper and red grouper are not specified.

AMs

The commercial AM for black sea bass, gag, and vermilion snapper is to prohibit harvest, possession, and retention when the quota for each species is met. The commercial AM for black grouper and red grouper is to prohibit harvest, possession, and retention when the quota for gag is met. All purchase and sale is prohibited when a quota is met. There are no recreational AMs for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

ACTs

ACTs are not specified in the commercial or recreational sectors for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

Table 4-18. The current commercial and recreational ACLs in pounds gutted weight (gw) for black sea bass, gag, and vermilion snapper.

Species	Commercial ACL	Recreational ACL
Black sea bass	309,000 lbs gw	409,000 lbs gw
Gag[1]	353,940[1]	340,060[1]
Black grouper	None	None
Red grouper	None	None
Vermilion snapper [2]	315,523 lbs gw (January – June) and 302,523 lbs gw (July – December) [2]	307,315 lbs gw[2]

[1]Amendment 16 implemented gag commercial and recreational ACLs of 353,940 lbs gutted weight and 340,060 lbs gutted weight, respectively.
[2]Amendment 16 implemented a vermilion snapper commercial ACL of 315,523 lbs gutted weight (January – June) and 302,523 lbs gutted weight (July – December) and a recreational ACL of 307,315 lbs gutted weight.

ACL Alternatives

Alternative 2. Establish commercial and recreational ACLs.

Alternative 2a. The commercial and recreational ACLs for black grouper are 86,886 lbs gutted weight and 31,863 lbs gutted weight, respectively. The commercial and recreational ACLs for red grouper are 221,577 lbs gutted weight and 276,740 lbs gutted weight, respectively. These value are equivalent to the expected catch resulting from the implementation of management measures for red grouper and black grouper in Amendment 16.

Alternative 2b (Preferred). Retain the current commercial ACL for gag of 353,940 lbs gutted weight and the commercial AM to prohibit commercial harvest of shallow water groupers when met. Retain the current recreational ACL of gag 340,060 lbs gutted weight.

In addition, establish an ACL for gag, black grouper, and red grouper of 662,403 lbs gutted weight (commercial) and 648,663 lbs gutted weight (recreational). These values are equivalent to the expected catch resulting from the implementation of management measures for red grouper and black grouper in Amendment 16 and the gag ACL specified in Amendment 16.

Prohibit the commercial possession of shallow water groupers when either the gag or the gag, black grouper, and red grouper ACL is met.

The Council may consider establishing separate ACLs for red grouper and black grouper using information from the SEDAR workshop held in October 2009. The SSC will not review SEDAR 19 until June 2010.

ACT Alternatives

Alternative 3. Establish an ACT for the recreational sector.

Alternative 3a. The recreational sector ACT equals 85% of the recreational sector ACL.

Alternative 3b. The recreational sector ACT equals 75% of the recreational sector ACL.

Alternative 3c. The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

AM Alternatives

The IPT suggested the Council may want to consider adding an overage correction to the commercial AM, whereby one year's overage would result in a payback administered the following year.

Alternative 4 (Preferred). For black grouper, black sea bass, gag, red grouper, and vermilion snapper, compare recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use three-year running average.

The IPT would like the Council to clarify whether the rolling 3-yr. average of landings is applied only to the overages that will accounted for each year or does it also apply to in season AMs?

Alternative 5. Implement Accountability Measures (AMs) for the recreational sector for black grouper, black sea bass, gag, red grouper, and vermilion snapper.

Alternative 5a. Regardless of stock status, do not implement in season AMs if the sector ACT is projected to be met. If the ACL is exceeded, the Regional Administrator shall publish to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year.

Alternative 5b (Preferred). If a species *is overfished* and the sector ACL is projected to be met, prohibit the harvest and retention of species or species group. If the ACL is exceeded, independent of stock status, the Regional Administrator shall publish a notice to reduce the sector ACL in the following year by the amount of the overage.

Alternative 5c. If a species *is overfished* and the sector ACT is projected to be met, prohibit the harvest and retention of species or species group. If the ACT is exceeded, the Regional Administrator shall publish a notice to reduce the sector ACT in the following year by the amount of the overage.

Table 4-19. Current commercial regulations for shallow water and mid-shelf species. Pounds (lbs) are in whole weight (ww) and gutted weight (gw).

COMMERCIAL REGULATIONS						
Species	Size Limit	Limited Access	Gear Restrictions	Annual Quota	Seasonal Closures	Area Closures
Black Grouper	24" TL	√	√		Jan-Apr[2]	√
Black Sea Bass	10" TL	√	√	309,000 lbs[1]		√
Gag	24" TL	√	√	416,469 lbs ww 352,940 lbs gw[2]	Jan-Apr	√
Red Grouper	20" TL	√	√		Jan-Apr[2]	√
Vermilion	12" TL	√	√	315,523 lbs gw		√

Snapper				(Jan-June) 302,523 lbs gw (July-Dec)[2]		
Red Snapper	20" TL	√	√			√
[1]Based on TAC of 718,000 lbs gutted weight (847,000 lbs whole weight).						

Table 4-20. Current recreational regulations for shallow water and mid-shelf species.

RECREATIONAL REGULATIONS						
Species	Allowable Catch	Size Limit	Gear Restrictions	Possession Limit	Seasonal Closures	Area Closures
Black Grouper		24" TL	√	No more than 1 black grouper and/or gag individually or in combination (included in 3 grouper per person per day)[1]	Jan-Apr	√
Black Sea Bass	409,000 lbs gw[2]	12" TL	√	Daily bag limit = 15		√
Gag		24" TL	√	No more than 1 black grouper and/or gag individually or in combination (included in 3 grouper per person)[1]	Jan-Apr	√
Red Grouper		20" TL	√	Included in 3 grouper per person per day[1]	Jan-Apr	√
Vermilion Snapper		12" TL	√	5 (in addition to the aggregate snapper bag limit of 5) [1]	Nov-Mar	√
Red Snapper		20" TL	√	2 per person per day (included in the 10 aggregate snapper per person limit)[1]		√
[1]Exclude the captain and crew on for-hire vessels from possessing a bag limit for groupers. [2]Based on TAC of 718,000 lbs gutted weight (847,000 lbs whole weight).						

4.4.1 Biological Effects

ACLs

Alternative 1 (Status Quo), would retain the current regulations established for black sea bass through Snapper Grouper Amendments 13C and 15A as well as the regulations expected to be established for gag, red grouper, black grouper, and vermilion snapper in Snapper Grouper Amendment 16. Measures for these species are intended to end overfishing of black sea bass, gag, and vermilion snapper and limit catch levels to the yield at F_{OY}. Management measures in Snapper Grouper Amendment 16 also address overfishing of black grouper and red grouper as they are expected to provide reductions in harvest equivalent to 37 and 20 percent, respectively.

Table 4-21. Current ACL's values compared with SSCs ABC recommendation

	ABC Recommendation (P*=.30/gag & .275/vermilion)	**Proposed ACLs (75%Fmsy)**
Gag	805,000 lb gw (landed catch)	818,920 lbs ww

	885,000 lb gw (total kill)	694,000 lbs gw
Vermilion Snapper	1,078,000 lb ww (landed catch) 1,109,000 lb ww (total kill)	1,066,000 whole weight

As noted in Table 4-21, proposed ACL values for gag and vermilion snapper are both lower than the ABC recommended by the SSC. Setting the ACL lower than the recommended ABC is recommended in the final National Standard 1 guidelines (74 FR 3178). National Standard 1 guidelines also state that Councils may establish a process for establishing and ABC control rule, which the Council has done. This ABC control rule, and resulting ABC recommendations, will be included in the Comprehensive ACL Amendment for the South Atlantic Region which is currently in the development stage.

For black sea bass, regulations established in October 2006 include a: 309,000 pound commercial quota; 10" total length commercial size limit; 409,000 pound recreational allocation; 12" total length recreational size limit; and a 15 fish bag limit. The quota and recreational allocation was based on applying an allocation established to a TAC corresponding to the yield at 75% F_{MSY}. As Snapper Grouper Amendment 15A established a rebuilding strategy for black sea bass that would hold catch steady throughout the rebuilding time frame, the allowable catch would be less than the yield at 75%F_{MSY} after 2009.

Amendment 16 has been approved by the Secretary and the final rule became effective on July 29, 2009. For gag, Snapper Grouper Amendment 16 established a quota of 348,000 pounds gutted weight, a January-April spawning season closure for the recreational and commercial sectors, and a reduction in the bag limit to 1 gag or black grouper (combined) within a 3 grouper aggregate bag limit. The spawning season closure also applies to black grouper and red grouper and the bag limit for red grouper was reduced to 3 fish per person per day within a 3 grouper aggregate bag limit. Furthermore, the commercial harvest and sale of black grouper and red grouper would be prohibited when the gag quota was met. While red grouper and black grouper are undergoing overfishing (NMFS 2008) it is unknown if the proposed actions in Snapper Grouper Amendment 16 would end overfishing since the stocks have not been recently assessed. However, it is likely the actions would reduce the amount of overfishing since harvest reductions in the commercial and recreational sector associated with the four month seasonal closure and commercial quota for gag would approximate 37 and 20 percent for black grouper and red grouper, respectively. Based on Amendment 16, the ACL for vermilion snapper under the status quo, **Alternative 1 (Status Quo)** would be 315,523 lbs gw January-June, and 302,523 lbs gw July-December for the recreational sector and 307,315 lbs gw for the recreational sector.

The final NS1 guidelines recognize that existing FMPs may use terms and values that are similar to, associated with, or may be equivalent to OFL, ABC, ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. In these situations the guidelines suggest that, as Councils revise their FMPs, they use the same terms as set forth in the NS1 guidelines.

The ACL serves as a catch limit for a species which triggers some sort of AM to ensure overfishing of a species does not occur. The ACLs for the commercial and recreational sectors for black sea bass, gag, and vermilion snapper are based on the yield at 75%F_{MSY} as specified in Amendments 13C (black sea bass) and Amendment 16 (gag and vermilion snapper; Table 4-18). Amendment 16 also reduces harvest levels of red grouper and black grouper with the proposed commercial and recreational management measures. The expected commercial and recreational catches based on management measure implemented through Amendment 16 are specified in Table 4-22.

Amendments 13C and 16 specified measures to reduce the chances that overfishing occurs by closing all commercial fishing for gag, vermilion snapper, and black sea bass when the quota (commercial ACL) is reached, which is the commercial AM. A commercial AM also exists for red grouper and black grouper since Amendment 16 specifies no commercial fishing would take place for these species and other shallow water grouper species when the commercial quota for gag is reached. An AM for the recreational sector was not specified in Amendments 13C or 16. Therefore, the no-action **Alternative 1 (Status Quo)**, which was determined to be based upon the best available science by the SSC, would end overfishing of black sea bass, gag, and vermilion snapper, rebuild the black sea bass stock, and satisfy the requirements of the reauthorized Magnuson-Stevens Act. As a result, retention of status quo management measures would not likely have negative biological impacts on the stocks if management measures established through Snapper Grouper Amendments 13C, 15A, and 16 end overfishing.

Table 4-22. The current commercial and recreational ACLs for gag, and potential ACLs for black grouper, red grouper and, gag combined based on expected catch resulting from Amendment 16 management measures.

Species	Commercial ACL	Recreational ACL
Gag	353,940 lbs gw	340,060 lbs gw
Black grouper	86,886 lbs gw	31,863 lbs gw
Red grouper	221,577 lbs gw	276,740 lbs gw
Combined	662,403 lbs gw	648,663 lbs gw

Under **Alternative 2**, the ACLs for black grouper and red grouper would be equivalent to the expected catch resulting from management measures in Amendment 16 (Table 4-22). This could be adjusted by framework after the assessments for these species have been completed in 2010. Amendment 16 would reduce the catch of black grouper and red grouper through a January-April commercial and recreational spawning season closure, a reduction in the recreational bag limit, and a closure of the commercial fishery for black grouper and red grouper when the gag quota is met. **Alternative 2a** would establish separate ACLs for red grouper and black grouper. **Alternative 2b (Preferred)** would establish combined commercial and recreational ACLs for gag, red grouper, and black grouper based on expected catch resulting from management measures in Amendment 16. The combined commercial ACL for all three species would be 662,403 lbs gw, and the combined recreational ACL would be 648,663 lbs gw. It is important to note that SEDAR assessments for red grouper and black grouper will be completed in 2010, after which, the ACLs for red and black grouper may be modified through a framework adjustment if

Alternative 2 (Preferred) under the "Modification of Framework Procedures" action of this amendment is implemented through rulemaking. The same ACL modifications would also be possible for any other snapper grouper stock to which an ACL is assigned.

ACTs

Alternative 3a is the least conservative of the action alternatives and would set the recreational sector ACT for gag, black grouper, red grouper, black sea bass, and vermilion snapper equal to 85 percent the ACL. A greater biological benefit would be attained through **Alternative 3b**, which would set the ACT to 70 percent of ACL. There is greater uncertainty with recreational catch data than commercial data. Quota monitoring systems can accurately track commercial landings data, but this is not possible for the recreational sector. Recreational data are based on samples, which are expanded to account for effort. Therefore, there can be tremendous uncertainty for recreational data, particularly for those species which are infrequently encountered. Recreational data for frequently encountered species such as black sea bass and vermilion snapper are more reliable than for less frequently taken species such as black grouper. **Alternative 3c** attempts to capture the difference in uncertainty associated with black sea bass, gag, black grouper, red grouper, and vermilion snapper by incorporating the percent standard error (PSE) in the estimate of ACT. Therefore, the ACT for species such as vermilion snapper and black sea bass would be higher than the ACT for species such as black grouper with higher estimates of PSE, which are less frequently encountered.

Since the ACT is typically set lower and would be reached sooner than the ACL for any given species, using an ACT rather than the ACL as a trigger for AMs in the recreational sector may prevent an ACL overage before it occurs. This more conservative approach, along with using a three year running average of landings (see **Alternative 4 (Preferred)**)**,** would likely help to ensure that recreational data uncertainties do not cause or contribute to excessive ACL overages for vulnerable species. Using recreational ACTs rather than the ACLs to trigger recreational AMs may not eliminate ACL overages completely; however, using such a strategy for the recreational sector may reduce the need to make up for very large overages, which could benefit the biological and socioeconomic environments. Additionally, triggering AMs before the recreational ACL is exceeded in any given year may also help to reduce the recreational sector's contribution to overfishing for shallow water snapper grouper species.

Gag, vermilion snapper, black grouper, red grouper, and black sea bass are currently managed to the OY level as implemented through past amendments and recommended by the Council's SSC. Therefore, the use of ACT as a trigger for AMs could be overly conservative assuming that ACTs for these species would be set below the ACL. In order to use the ACT as an AM trigger without implementing more restrictive harvest levels beyond what they are currently, the ACT would need to be set equal to the ACL.

Table 4-23. Proportional Standard Errors (PSEs) for the black grouper, black sea bass, gag, red grouper, and vermilion snapper from numbers estimates. Obtained from http://www.st.nmfs.noaa.gov on 09/08/08.

Species	2003	2004	2005	2006	2007	3 year average	5 year average

						(2005-2007)	(2003-2007)
Black grouper	35.3	38.5	48.0	57.9	44.0	50.0	44.7
Black sea bass	11.4	11.3	9.4	11.2	10.8	10.5	10.8
Gag	16.0	17.0	19.1	16.7	16.2	17.3	17.0
Red grouper	18.9	24.6	20.7	21.1	27.3	23.0	22.5
Vermilion snapper	16.6	14.3	10.6	14.2	10.6	11.8	13.3

If **Alternative 2** under the "Modification of Framework Procedures" action in this amendment is implemented through rulemaking, any ACT established for a snapper grouper stock could be modified, if needed, through a framework adjustment. If no ACT level is chosen as a preferred alternative under this action, and the ACLs under **Alternative 2b (Preferred)** were exceeded repeatedly, the Council would also have the option of establishing an ACT for any snapper grouper species at or below the ACL or adjust the ACL to a more conservative level, through framework actions.

AMs

Alternative 4 (Preferred) would use a range of landings to determine overages of recreational ACLs in **Alternative 2**. In the first year (2010), only 2010 landings would be used. In the second year (2011), the average landings of 2010 and 2011 would be compared to the ACL to determine if an overage had occurred. For 2012 and beyond, a three year running average would be employed to determine if there was an overage of the ACL. Recreational landings data can be highly variable, particularly for species that are infrequently encountered. Therefore, using average landings for comparison with the ACL can buffer peaks in the landings that may be a function of sampling rather than a true estimation of action harvest. However, for some species very rarely encountered in recreational surveys (i.e. golden tilefish and snowy grouper), estimates of recreational harvest may be less reliable.

Alternative 4 (Preferred) would implement AMs for the recreational sectors for black sea bass, gag, black grouper, red grouper, and vermilion snapper stocks. AMs are designed to provoke an action once either the ACL or ACT is reached during the course of a fishing season to reduce the risk overfishing will occur. However, depending on how timely the data are, it might not be realized that either the ACL and/or ACT has been reached until after a season has ended. This is especially true for the recreational sector where real-time monitoring of catch is not possible.

Alternative 1 (Status Quo) would not implement AMs for the recreational sector for species undergoing overfishing. Amendments 13C and 16 specify quotas for the commercial sector for black sea bass, snowy grouper, golden tilefish, gag, and vermilion snapper. When a quota is met, commercial fisheries for these species would be closed. Further, the preferred alternative in Amendment 16 would close the commercial fisheries for red grouper and black grouper when the gag quota is met. Therefore, a type of AM currently exists or will be put into place for the commercial sector.

Alternative 5 would implement AMs for gag, black grouper, red grouper, vermilion snapper, and black sea bass in the recreational sector regardless of stock status; whereas, the type of AM under **Sub-Alternatives 5a** and **5b** would depend on stock status. Under **Sub-Alternative 5a**, if

the ACL was exceeded, the Regional Administrator would reduce the length of the following fishing year by the amount necessary to ensure landings did not exceed the sector ACT for the following fishing year. Under **Sub-Alternative 5b (Preferred)**, if a species is overfished and the sector ACL is projected to be met, harvest and retention of species or species group would be prohibited. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the sector ACL in the following year by the amount of the overage, regardless of stock status. **Sub-Alternative 5c** would only be invoked is one of the ACT Sub-Alternatives were chosen as a preferred. Under **Sub-Alternative 5c**, harvest and retention of black sea bass, gag, black grouper, red grouper, and/or vermilion snapper would be prohibited if the species or species group in question is overfished and is projected to exceed its ACT. If such an event were to occur, the Regional Administrator would reduce the sector ACT in the following year by the amount of the overage. Using the ACT rather than the ACL harvest level to trigger an AM reduces the chance the ACL will be exceeded and enhance the stock recovery process.

Closing the fishery when the AM is met as well as reducing the length of the following fishing year enough to make up for the amount of the ACL overage for an overfished species would likely have a greater biological benefit than only reducing the length of the fishing season as specified in **Alternative 5a.** The difference between the two levels of biological benefit is due to incidental catch of the regulated species that could occur during a closed season. AMs that shorten the fishing season can increase the magnitude of regulatory discards and may not be as effective as AMs that lower the target level but still allow some catch.

Alternative 1 (Status Quo) would perpetuate the existing level of risk for interactions between ESA-listed species and the fishery. Establishing ACLs, ACTs, or AMs is unlikely to alter fishing behavior in a way that would cause new adverse effects to *Acropora*. The impacts from **Alternatives 2-5,** and the associated sub-alternatives**,** on sea turtles and smalltooth sawfish are unclear. If they perpetuate the existing amount of fishing effort, but causes effort redistribution, any potential effort shift is unlikely to change the level of interaction between sea turtles and smalltooth sawfish and the fishery as a whole. If these alternatives reduce the overall amount of fishing effort in the fishery, the risk of interaction between sea turtles and smalltooth sawfish will likely decrease.

4.4.2 Economic Effects

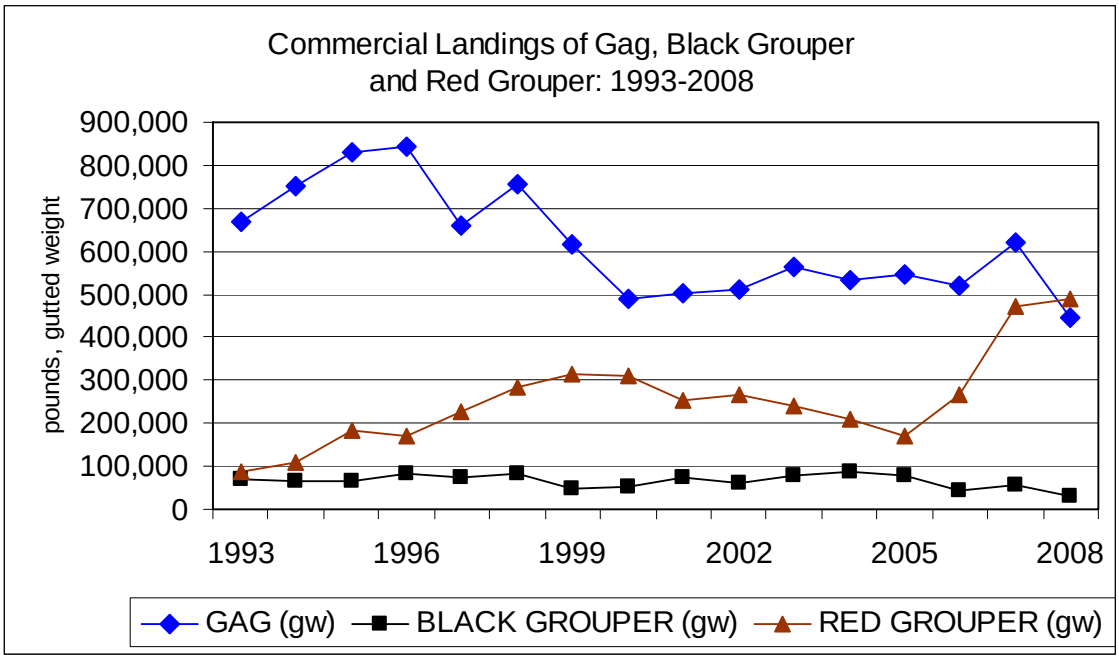
Commercial Fishery

Amendment 17B considers three methods of establishing commercial catch limits for red grouper and black grouper. **Alternative 1 (Status Quo)** is the no-action alternative in which no catch limits are specified. However beginning in mid-2009, Amendment 16 indirectly limits the commercial catch of red grouper and black grouper. The commercial fishery for shallow water groupers, including red grouper and black grouper, is closed from January through April and when the commercial ACL for gag of 353,940 lbs (gutted weight) is filled. **Alternative 2a** in Amendment 17B would specify individual catch limits for each species: 221,577 pounds (gutted weight) for red grouper and 86,886 lbs (gutted weight) for black grouper. **Alternative 2b (Preferred)** would specify an aggregate commercial catch limit of 662,403 lbs (gutted weight) for gag, red grouper and black grouper. **Alternative 2b (Preferred)** is the Council's preferred alternative.

Commercial landings of red grouper in federal waters increased from approximately 87,700 pounds (gutted weight) worth $171,500 in 1993 to 316,000 pounds worth $742,200 in 1999 and then declined through 2005 (Figure 4-11).[9] The sharp increase in landings from 171,200 lbs worth $471,200 in 2005 to 491,300 lbs worth more than $1.61 million in 2008 could reflect an adjustment by fishermen to regulations on other species that were imposed in 2006 by Amendment 13C and/or a larger biomass of red grouper available for capture. Commercial landings of black grouper in federal waters averaged 52,400 pounds (gutted weight) worth $183,700 from 2005-2008. Commercial landings of gag in federal waters averaged 533,100 lbs (gutted weight) worth more than $2.1 million from 2005-2008, but, as already noted, Amendment 16 implemented a commercial quota of 353,940 lbs in 2009.

[9] Revenues are presented as current year dollars and have not been adjusted for inflation over time. Trip revenues were approximated as reported landings multiplied by average prices from the NMFS Accumulated Landings System.

Figure 4-11. Commercial landings in federal waters: gag, red grouper, and black grouper, 1993-2008.



Source: SEFSC logbook database as of June 29, 2009.

Alternative 2a proposes a commercial catch limit that is less than one-half of the quantities of red grouper that were landed from federal waters in 2007 and 2008, as reported in the logbook database. Nevertheless, the simulation model predicts that commercial net operating revenues would decline by an average of approximately $162,000 per year, or only 1.8 percent of the predicted base net operating revenues for Amendment 17B (Figures 4-12a and 4-12b). This seemingly unexpected result occurs because the simulation model calculates expected economic outcomes based on average results when proposed regulations are imposed on logbook data for 2005-2008. The problem is that regulatory conditions during 2005 and 2006, before Amendment 13C was implemented, are not as relevant for the red grouper fishery as are conditions during 2007 and 2008, and larger losses would have been predicted if the analysis had been based on data for 2007 and 2008 only. If fishing and regulatory conditions in the near future closely resemble conditions in 2007, then the simulation model predicts that net operating revenues would decline by about $244,000 or 2.7 percent compared to baseline conditions. If conditions in the near future were similar to conditions in 2008, then the model predicts that net operating revenues would decline by $404,000 or 4.1 percent. These effects would primarily affect fishermen in North Carolina and South Carolina (Figures 4-13a and 4-13b).[10] The commercial catch limit proposed for black grouper in **Alternative 2a** is expected to have no effect on net operating revenues of commercial fishermen because average landings of black grouper in federal waters were less than the proposed catch limit.

[10] Figures 10a and 10b display the four-year averages of simulated results.

The aggregate catch limit for gag, red grouper and black grouper in **Alternative 2b (Preferred)** is expected to reduce commercial net operating revenues by slightly more than $100,000 per year, or only 1.2 percent of the predicted base net operating revenues for Amendment 17B (Figures 4-12a, 4-12b). These results are expectations based on the four-year average with data from 2005-2008. If fishing and regulatory conditions in the near future closely resemble conditions in 2007, then the simulation model predicts that net operating revenues would decline by about $177,000 or 2.0 percent compared to baseline conditions. If conditions in the near future were similar to conditions in 2008, then the model predicts that net operating revenues would decline by $236,000 or 2.4 percent.

While the aggregate catch limit of **Alternative 2b (Preferred)** equals the sum of the individual catch limits in **Alternative 2a** for gag, red grouper and black grouper, it would function differently in terms of closing the commercial fisheries. With **Alternative 2b (Preferred)** and given fishing conditions similar to 2007 and 2008, landings of red grouper could exceed the individual catch limit specified in **Alternative 2a**, yet in this case the fishery would not close because the aggregate quota was not filled until a later date. The simulation model would have closed the red grouper fishery with **Alternative 2a** in these instances.

Figure 4-12a. Predicted change in commercial net operating revenues by year for red grouper and black grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

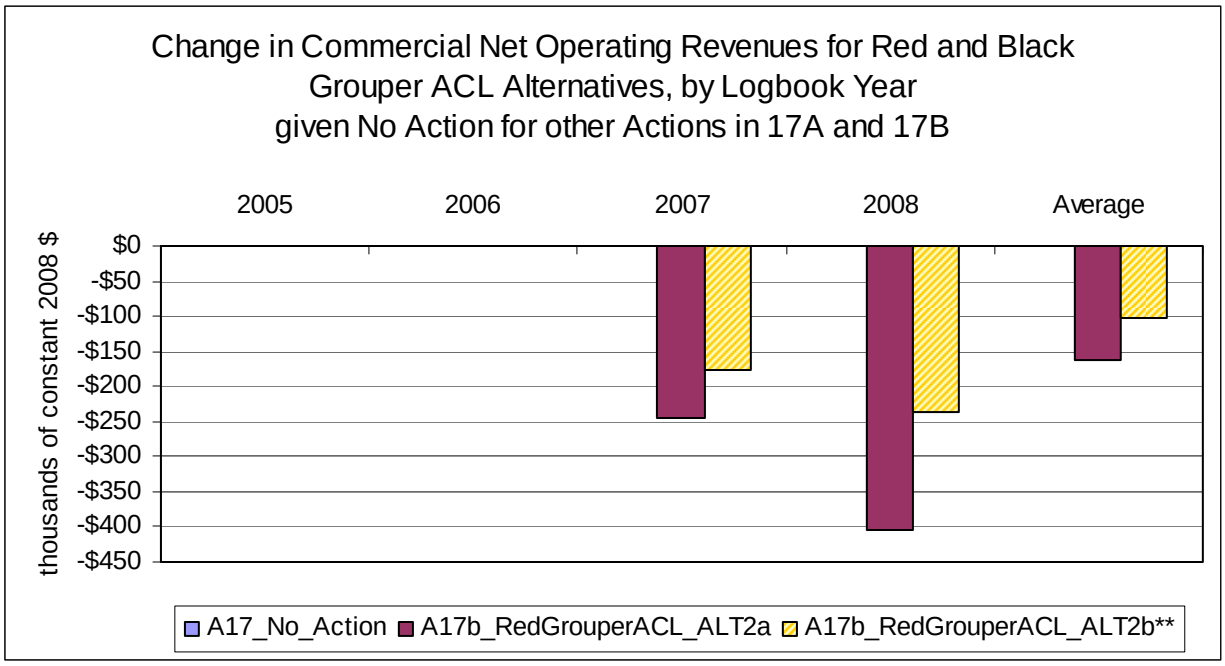


Figure 4-12b. Predicted percentage change in commercial net operating revenues by year for red grouper and black grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

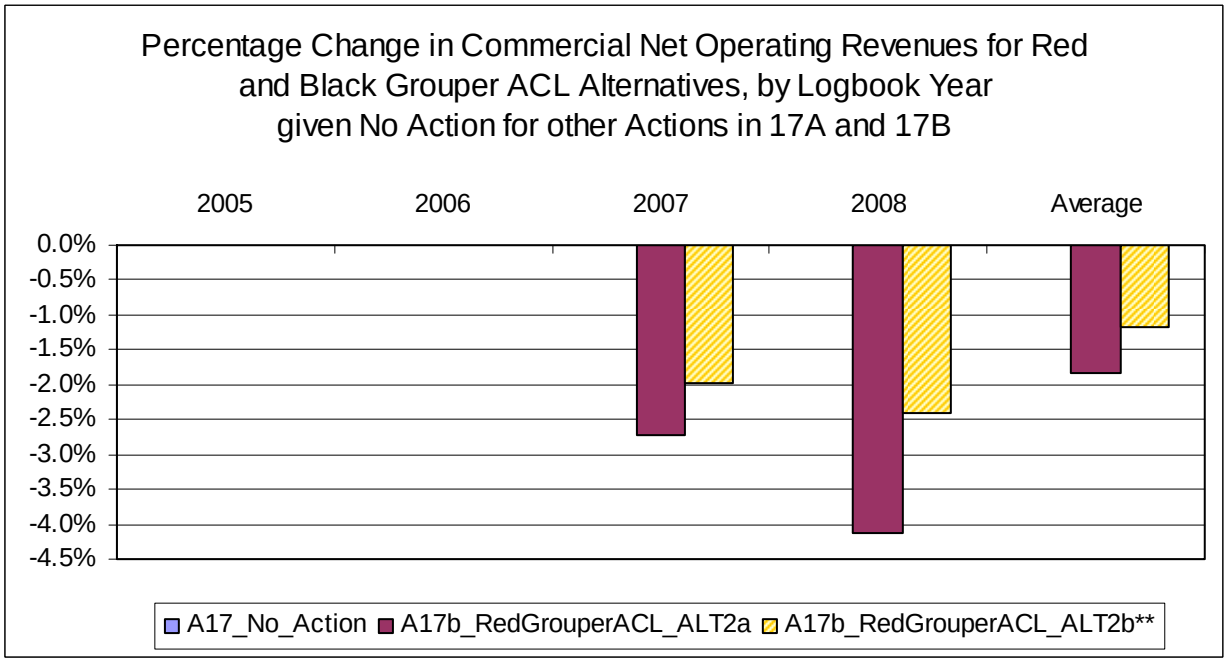


Figure 4-13a. Predicted change in commercial net operating revenues by state of landing for red grouper and black grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)

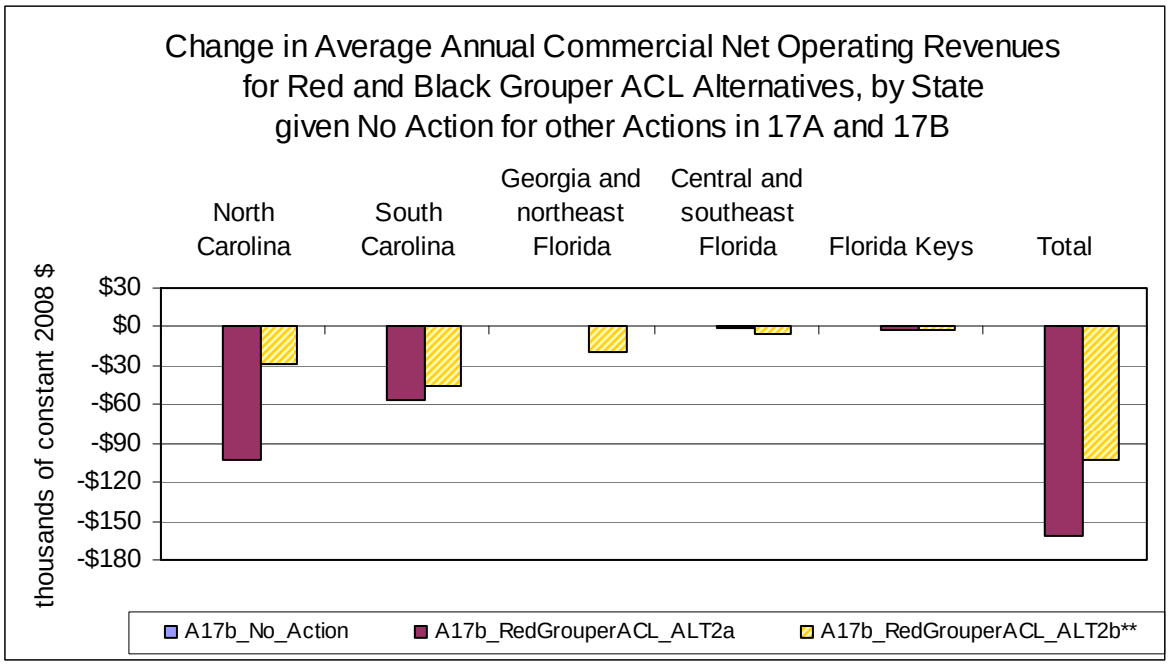
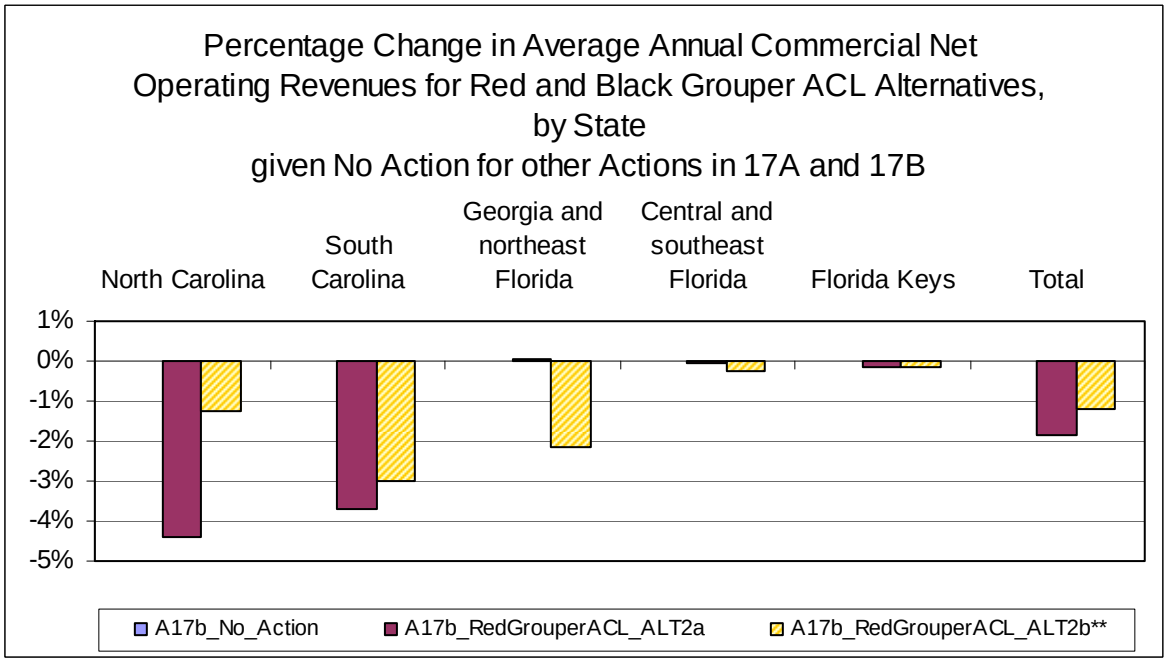


Figure 4-13b. Predicted percentage change in commercial net operating revenues by state of landing for red grouper and black grouper alternatives compared to the No-Action alternative for Amendment 17B. (** denotes the Council's preferred alternative.)



Alternatives 3-5 do not impose any negative short or long-term economic effects on the commercial fishery.

Recreational Fishery

Alternative 1 (Status Quo) would have no short-term adverse economic effects on the recreational sector, but it could pose some problems on the long-term viability of each of the five fisheries, especially that the recreational sector is a major participant in each of them.

Alternative 2, which provides for various levels of ACLs, would generally establish triggers for the implementation of AMs. While AMs have direct economic impacts, ACLs would condition the implementation of AMs, with lower ACLs likely increasing the probability of implementing AMs. **Preferred Alternative 2b** incorporates an AM but only for the commercial sector, so that the general statement about ACL still holds for the recreational sector. Although both **Alternative 2a** and **Preferred Alternative 2b** provide ACLs based on expected harvests of red and black grouper and gag ACL from the implementation of Amendment 16, the economic consequences of implementing AMs could differ between the two sub-alternatives. Assuming a gag ACL per Amendment 16, **Alternative 2a** would imply species-specific implementation of AMs while **Preferred Alternative 2b** would trigger an AM implementation for all three stocks. It is then possible that under **Alternative 2a** the economic effects of AMs would be limited to one or two fisheries whereas those effects could affect all three fisheries under **Preferred Alternative 2b**. Indeed, fishers would have more flexibility in adjusting their activities under **Preferred Alternative 2b** so as not trigger or at least to delay the implementation of AMs.

Alternative 3, which provides for various levels of ACTs, would mainly condition the type of specific management measures for the recreational fishery. Generally, lower ACTs would tend to require more stringent measures resulting in larger adverse economic effects in the short run. In this sense, **Alternative 3a** would be associated with the smallest negative economic effects on the recreational sector, followed by **Alternative 3b**, and **Alternative 3c**. It is highly possible that ACTs would be relied upon to trigger implementation of accountability measures, but this condition would not invalidate the just noted relative implications of the various sub-alternatives of **Alternative 3**.

Alternative 4 (Preferred) would appear to provide more stability in the estimation of harvests vis-à-vis the chosen ACL, since there is a good deal of year to year variations in recreational harvests of the subject five species. One year of high harvests due to a variety of reasons could trigger AM implementation when there is actually a downward trend in harvest, or conversely a year of very low harvest would not trigger AM implementation when in fact there is an upward trend in harvest, particularly if this trend is brought about by increasing effort. It would appear then that averaging of harvests over a range of years would potentially allow consideration of both short-term and long-term economic effects.

Alternative 5, which provides for AMs, would have direct economic consequences on the recreational sector, with the timing of the economic effects partly dependent on the stock status. Although not using the ACT to trigger an in-season AM is explicit in **Alternative 5a**, it appears

to be implicit in **Alternative 5b (Preferred)**. Both sub-alternatives consider the ACL as the more binding constraint. **Alternative 5a** would delay the adverse economic effects on the recreational sector to the following year via a reduction in the fishing season if the ACL were exceeded in the current year. On the other hand, the adverse economic effects on the recreational sector would be immediate under **Alternative 5b (Preferred)** once the ACL is projected to be met in the current year. ACL reductions in subsequent years could trigger larger adverse economic effects. Considering that projections may be inaccurate, a fishery closure under **Alternative 5b (Preferred)** could unduly penalize the recreational sector. Of course, this could also mean that ACL adjustments in the following year would not result in more severe economic effects. A reverse condition would ensue if the projection inaccuracy were to lead to overharvest of any of the subject species in the current year. Although a fishery closure, in terms of fixed shortened season under **Alternative 5a** or variable shortened season under **Alternative 5b (Preferred)**, would not necessarily result in fishing trip cancellations, benefits would still be negatively affected due to increased fishing costs or reduced quality of fishing. In addition, both sub-alternatives would likely have distributional implications across the various fishing modes likely in proportion to the importance of a species to a particular fishing mode. For example, black sea bass is heavily dominated by the shore/private/rental mode whereas vermilion snapper is dominated largely by headboats (see Table 3-49), thus the adverse economic effects would be more on shore/private/rental mode with respect to black sea bass but more on headboats with respect to vermilion snapper.

There are two more issues worth mentioning regarding the economic effects of the two sub-alternatives of **Alternative 5**. First, **Alternative 5b (Preferred)** would provide better protection to overfished stocks than **Alternative 5a**, implying that the long-run economic effects of **Alternative 5b (Preferred)** would likely be more positive than those of **Alternative 5a**. Second, adoption of **Alternative 5b (Preferred)** could leave uncertain the actual measures for species not considered overfished. Thus, it is possible that the short-run economic values derived from species not overfished may be maintained at the baseline levels, but the long-run economic effects could be severely negative.

Alternative 5c differs from **Alternatives 5a** and **5b** in that, for an overfished species, it would rely on the ACT as the benchmark for triggering an AM. If the ACT is exceeded, harvest and retention of the subject species or species group would be prohibited. In addition, the RA would reduce the ACT in the following year by the amount of the overage. Among the three sub-alternatives, **Alternative 5c** would provide the best protection to an overfished stock, resulting in the greatest long-term economic benefits. But these long-term economic benefits are generated at relatively high costs to the fishing participants. These costs could potentially increase over time if the declining ACT is consistently exceeded year after year.

More recent amendments affecting the various species considered in this section are expected to constrain recreational landings to their respective ACLs. Thus, the ACL/AMs of this amendment would likely have minimal adverse economic effects on the recreational sector in the very near future. One possible exception to this is the case with black sea bass. In 2006, a recreational allocation (ACL) of 409,000 pounds gutted weight (483,000 whole weight) was set, together with a12-inch size limit and a 15-fish bag limit. The 2005-2008 average recreational landings of black sea bass amounted to 743,184 pounds. In all likelihood, the black sea bass

ACL would be reached, and the fishery subsequently closed in the current season or the season reduced in the following year. Based on 2005-2008 monthly recreational landings, the ACL would be reached in very early July. Implementing a July closure would affect about 3,666 charterboat trips, 5,147 headboat trips, and 25,599 private/rental trips. Headboat target trips are derived by taking the proportion of monthly black sea bass landings to monthly snapper-grouper landings of headboats, and then applying the resulting ratio on the monthly headboat angler trips. If the black sea bass ACL could potentially be exceeded, so would the ACT, and under **Alternative 5c**, the negative economic effects on the recreational sector could be substantial. It is also possible that **Alternative 5c** would trigger an AM for the other overfished species, resulting in even larger economic losses to the recreational sector. Whether the potential long-term benefits can outweigh any amount of short-term losses cannot be determined.

Table 4-24. Economic effects of ACL/AM for black sea bass.

	Charter	Headboat	Private/Rental	Total
Cons. Surplus	$450,918	$633,081	$3,148,677	$4,232,676
Net oper. revenue	$568,230	$396,319		$964,549
Total	$1,019,148	$1,029,400	$3,148,677	$5,197,225

4.4.3 Social Effects

Similar to the discussions with regards to golden tilefish and snowy grouper, **Alternative 1 (Status Quo)** would retain the existing regulations for black grouper, black sea bass, bass, gag, red grouper, and vermillion snapper and, as a result, existing quotas and harvest prohibitions would suffice for the establishment of ACLs and AMs for some species and sectors. However, because of the species-sector focus of the ACLs and the absence of quotas for some species and AMs in the recreational sector, **Alternative 1 (Status Quo)** would not fully satisfy the requirements of the reauthorized Magnuson-Stevens Act and is not a viable long-term option. Additional subsequent management action, with duplicative administrative costs, would be required to address these deficiencies. As discussed for the other species, the absence of AMs in the recreational sector may benefit the sector in the short-term, but raise the issues of potential over-harvest of the respective species, necessitating the implementation of stricter harvest measures in the long-term for both the commercial and recreational sectors, with associated adverse social and economic effects, as well as raising equity concerns of managing a fishery without substantive effort controls. While subsequent action could be taken to enact any necessary protection, should the need arise, such would be redundant to the current management action and opportunity, incurring a duplication of time and resources to accomplish what could be accomplished under the current amendment.

Alternatives 2a and **2b** would establish sector ACLs based on the expected catch resulting from management measures implemented in Amendment 16. **Alternative 2a** would establish the sector-specific ACLs for only red grouper and black grouper, with allowable ACLs for the other species already in place via previous management action. Because the ACLs for red grouper and black grouper equate to current expected harvest levels, their specification would not be expected

to require any additional management action to restrict harvests and, therefore no adverse social effects would be expected to accrue to fishermen, associated businesses, or communities.

While **Alternative 2b (Preferred)** would also be based on the harvest expectations resulting from Amendment 16, it would establish separate commercial and recreational ACLs equivalent to combined expected catch of red grouper, black grouper, and ACLs for gag. For the recreational sector, because the ACL is equivalent to the sum of the expected harvest of each individual species, no change in social effects would be expected. For the commercial sector, in addition to establishing the ACL, this alternative would establish the commercial AM that would close the commercial fisheries for all shallow water grouper when either the gag quota or the combined commercial ACL for gag, red grouper, and black grouper is met. Tying the three species together in this manner could result in either short-term adverse or positive social effects. Adverse social effects would occur if accelerated gag harvest results in closure of the entire shallow water grouper commercial fishery, resulting in decreased fishing revenues and associated declines in social benefits to fishermen, associated businesses, and communities. Closure of the shallow water grouper fishery should help protect gag, as closure of the shallow water grouper fishery should help reduce additional gag bycatch mortality in these other fisheries. Reduced harvests of other grouper species may also have beneficial stock effects for these species, with associated potential long-term social and economic benefits. It is unknown, however, whether the benefits of this additional gag protection and possible stock benefits for other grouper species exceed the social costs associated with the prohibition of the harvest of all shallow water grouper species. Combining the species into a single ACL could result in positive short-term benefits, or at least neutral change in social benefits, if gag harvests are circumstantially reduced, due to environmental variability or other factors, and fishermen are able to successfully substitute increased harvests of red grouper or black grouper. Because these species would not be subject to individual ACLs, their harvest could increase relative to historic or expected harvest levels without subsequent closure of the fishery as long as the aggregate ACL is not exceeded. As a result, fishing flexibility is increased. As long as this flexibility does not jeopardize the condition of these resources, this should increase the social benefits to the fishery relative to single species ACLs.

Alternative 3 would establish an ACT for the recreational sector, with sub-alternatives setting the ACT at different portions of the recreational ACL. While each sub-alternative would establish a different ACT, no change in social effects would be expected to accrue to any of the alternative specifications because each would merely be a benchmark for fishery evaluation and exceeding the ACT would not require any management action. As such, all normal fishery behavior could continue unaffected.

Alternative 4 (Preferred) would establish an AM for the recreational sector that attempts to account for the absence of real-time recreational harvest data. Because final annual harvest data for the recreational sector are not available until the subsequent fishing year, any overage in the previous year would have to be reflected or corrected for by a reduced fishing year the subsequent year. Further, such evaluation would be based on, eventually, a three-year running average. This system should be capable of ensuring that the recreational sector remained responsible for its performance, while protecting the long-term stock, social, and economic benefits. Further, relying on a moving average rather than single-year data should help reduce

the adverse effects of over-correction that might occur due to unusual fluctuations in harvest estimates that may be real or result of survey variability. This should result in more stable management, allowable harvest levels, and social benefits.

While **Alternative 4 (Preferred)** deals with the period of review for evaluating performance in the recreational sector, **Alternative 5** specifies the AMs that would be implemented. Under **Alternative 5a,** an AM would be triggered regardless of the stock status, but only if the ACL is exceeded. Because of the delay in final recreational harvest statistics, evaluation of the performance in one year would occur the following year, during which, if the ACL were exceeded the previous year, the RA would reduce the length of the fishing season the next year sufficient to ensure the ACL is not exceeded again. By conducting the assessment the second year (final data is only available in the following year), but delaying action until the third year ("…reduce the length of the following fishing year…"), this system may actually allow consecutive overages before corrective action occurs. As a result, the cumulative overage amount could be substantial. The AM that would be established by **Alternative 5a** contains no pay-back provision (reducing the harvest by the amount of the overage). Although periodic stock assessments would be conducted and should be capable of and expected to account for the biological impacts of any overages, recreational overages could result in deteriorating stock conditions, or failure to meet recovery goals, where appropriate, resulting in decreased social and economic benefits for both the recreational and commercial sectors.

Also, as stated previously with regards to the AMs for other species, even if no cumulative adverse stock effects are induced, an overage could require a substantial reduction in the length of the next fishing year and result in reduced short-term social benefits due to the narrow prescriptive nature of the accountability measure, which would allow only the season length to be adjusted. It should be noted, however, that imposing the correction in the third year rather than the second may allow for greater social benefits. The rationale for this is that fishermen, as well as the businesses that cater to their needs, are expected to plan their activities in advance. Announcement and reduction of the season length in the same fishing year may require abrupt closure of the fishery and/or would likely occur after some fishermen and fishing businesses have already planned their activities, and allow little opportunity for adjustment. Announcing a season length reduction for the following fishing year, however, would allow greater opportunity and flexibility for these entities to react to and plan for the change and, therefore, would be expected to result in greater social and economic benefits than same-year adjustment. The net effect of these two considerations, potential cumulative overage effects but increased planning flexibility, are unknown.

Alternative 5b (Preferred) differs from **Alternative 5a** in that the AM for the recreational sector would only be triggered if the species is overfished and shortens the timeframe of assessment and corrective action. Under **Alternative 5b (Preferred)**, harvest assessment would be based on a projection rather than final data, implying the assessment would be conducted in the same fishing year using actual fishing-year data available to date and projecting the remaining harvests for the year based on historical performance (although not specified, it is assumed this process would begin at the point when the first current-year data becomes available, beginning in mid to late spring). If the ACL is projected to be exceeded, the fishing season for the following year would be shortened, as necessary, to prevent consecutive overages.

By shortening the evaluation and action process by one year, this alternative would reduce the potential for successive overages, relative to **Alternative 5a**, and substantive cumulative adverse stock effects, thereby reducing the potential for reduced social and economic benefits. **Alternative 5b (Preferred)** would also, similar to **Alternative 5a** and relative to same-year correction, support the social benefits of increased angler and business flexibility by not requiring corrective action in the same fishing year, instead delaying correction until the following year. However, this alternative would still not impose harvest payback such that, while the potential of substantive cumulative overages is reduced, the potential for adverse stock effects, and associated reductions is social benefits, is not eliminated. Additionally, because the correction would be based on projected harvests rather than actual, the potential exists that by the end of the year, no real overage actually occurred (larger than expected harvests early in the year could be followed by reduced harvests the rest of the year, resulting in, overall, a normal year). If such occurs, the season length in the following year could be shortened unnecessarily, resulting in an unnecessary reduction of social and economic benefits. While this may result in increased stock benefits (the shortened season would be presumed to result in lower total harvest, leading to potential stock benefits), the net effect on social benefits is unknown.

Alternative 5c would mimic the specifications, and expected effects, of **Alternative 5b (Preferred)** except that the evaluation target is the ACT rather than the ACL. While the ACT for a stock can be set equal to the ACL, it generally will be set lower than the ACL to afford a buffer to decrease the likelihood of harvest exceeding the ACL. Because of the common components between **Alternative 5c** and **Alternative 5b (Preferred), Alternative 5c** would be expected to result in similar social and economic effects relative to the other alternatives. However, if the ACT is less than the ACL, the lower harvest threshold, while supporting enhanced protection of the resource and maintenance or preservation of social benefit streams, increases the likelihood of triggering AMs. If normal harvest variability does not warrant the additional buffer an ACT may afford, the lower ACT-based threshold could result in reduced social benefits in the form of foregone benefits during periods when AMs are triggered (by the lower ACT threshold). Further, the lower threshold would be expected to increase the likelihood that projected harvests overestimate actual harvest (final data), increasing the likelihood that AM corrections in the subsequent fishing year occur that may be either totally unnecessary or more severe than necessary.

In summary, **Alternative 1 (Status Quo)** is not a viable long-term alternative because it would not fully satisfy the requirements of the reauthorized Magnuson-Stevens Act. Its selection would require additional subsequent management action, with duplicative administrative costs. Not all of the remaining alternatives under this action deal with the same management component and, therefore, are not directly comparable. Instead, only sub-sets of alternatives are comparable. **Alternative 2a** would allow current harvests, not be expected to require any additional management measures, and not be expected to result in any adverse social effects. **Alternative 2b (Preferred)** would establish an aggregate ACL for gag, red grouper, and black grouper in addition to single species ACLs and an AM based on single species or aggregate species harvest thresholds. As a result of this aggregate approach, social benefits may increase or decrease, depending on resultant fishery performance and behavior, as gag harvests could result in closure of the fisheries for all three species (diminished social benefits), or increased harvest of the other species could substitute for decreased gag harvests (increased social benefits). The gag resource,

and associated social and economic benefits, however, would be expected to be better safeguarded by **Alternative 2b (Preferred)** than under **Alternative 2a**. **Alternative 3** would only establish ACT benchmarks, with no associated necessary management change, and would not be expected to result in any change in social benefits. Because the multi-year perspective of **Alternative 4 (Preferred)** would be capable of addressing the potential variability of recreational harvest estimates, it would be expected to result in increased social benefits relative to single-year assessment and management action. Both **Alternative 5a** and **Alternative 5b (Preferred)** contain sufficient uncertainty of net social effects that ranking is not possible. Neither contains payback provisions for recreational harvest overages, so both could lead to subsequent deterioration of the resources and subsequent management action, though **Alternative 5b (Preferred)** would impose a shorter timeframe of action and, as a result, reduce the potential magnitude of any overage. However, **Alternative 5b (Preferred)** would also base management action on projected harvests rather than actual (final data) and, as a result, may result in unnecessary corrective action, with associated unjustified adverse social effects. Both alternatives would delay corrective action until the subsequent fishing year, which should allow greater flexibility for fishermen and associated businesses to plan activities, resulting in greater social and economic benefits that same-year correction. **Alternative 5c** would be expected to result in social effects similar to **Alternative 5b (Preferred)**. However, because the ACT for a stock will generally be less than the ACL for that stock, using the ACT as the AM-trigger threshold under **Alternative 5c** increases protection of the resource while also increasing the likelihood of reduced social and economic benefits relative to **Alternative 5b (Preferred)** if stock and/or fishery conditions do not warrant the additional stock protection the more conservative ACT limit affords.

4.4.4 Administrative Effects

Alternative 1 (Status Quo) would not produce near-term administrative impacts. However, this alternative would not comply with reauthorized Magnuson-Stevens Act requirements and therefore, may trigger some type of legal action for not doing so. If this scenario were to occur, the burden on the administrative environment would be great in the future. **Alternative 2a** would produce a minimal negative impact on the administrative environment since most administrative responsibilities would have been carried out under Amendment 16, if approved, and there already exists a mechanism by which to monitor the gag quota. **Alternative 2b (Preferred)** would produce a higher level of impact on the administrative environment than **Alternative 2a** because the newly established ACL will need to be monitored each year and no mechanism to track a combined ACL for these species currently exists. Administrative impacts of **Alternative 2c** would be greatest of all since recreational landings would need to be monitored on a continuing basis. Tracking recreational landings is difficult because there is a delay in the availability of recreational data; therefore, the AM chosen as the preferred alternative under Action 4 may be implemented retroactively to address overages occurring over the last three year's worth of data. This type of tracking and AM implementation coordination would create a moderate burden on the administrative environment. In ranking the order of impacts of each of the alternatives from the most to the least the ranking would be: **Alternative 2c**, **Alternative 2b (Preferred)**, **Alternative 2a**, and **Alternative 1 (Status Quo).**

Alternative 3 would incur a similar administrative impact as **Alternative 1 (Status Quo)** since the designation of ACTs alone do not require a great deal of administrative action outside of drafting notices informing the public of such actions. **Alternative 4 (Preferred) and Alternative 5**; however, would produce a small negative impact on the administrative environment regardless of the choice of **Sub-alternative 5a**, **Sub-alternative 5b (Preferred),** or **Sub-Alternative 5c**. Under each of the sub-alternatives a notice would need to be drafted and disseminated to fishery participants notifying them of the previous year's overages, and how much the next year's catch level would be reduced or season is shortened.

4.4.5 Council's Conclusions

4.5 Update the framework procedure for specification of Total Allowable Catch (TAC) for the Snapper Grouper Fishery Management Plan (FMP) to incorporate Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and Accountability Measures (AMs).

The Council's current FMPs Framework Procedure for setting TAC **(Appendix O)** provides a mechanism for making changes to allowable catch levels and related management of stocks or stock complexes in a timely manner when stock assessments or new assessment information indicates that changes are needed. Changes that can be made through a Regulatory Amendment (also known as a Framework Action) include biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC quotas, trip limits, bag limits, minimum sizes, gear restrictions, seasonal or area closures, definitions of essential fish habitat, (EFH), EFH-Habitat Areas of Particular Concern (HAPCs) or Coral HAPCs, and restrictions on gear and fishing activities applicable in EFH and EFH-HAPCs. Under the reauthorized Magnuson-Stevens Act and the amended guidelines for NS 1 (74 FR 3178), it is also necessary to be able to adjust and establish ACLs, ACTs, and AMs when needed. This action revises the current FMPs Framework Procedure to allow such adjustments under the framework.

The Council is proposing the establishment of ACLs, ACTs, and AMs where needed. Currently, the framework procedures specify that if changes are needed to the TAC, a Council appointed Assessment Group (Group) will advise the Regional Administrator in writing of their recommendations accompanied by the Group's report (where appropriate), relevant background material, draft regulations, Regulatory Impact Review and public comments. The Council is proposing to update the procedures for specification of TAC in order to incorporate the ACL, ACT, and AM vernacular. With this revision, the specification of TAC section of the framework procedure would be renamed to reflect the 2009 National Standard 1 Guidelines, which define ACL is the primary unit set through management to control harvest levels. As used in the framework procedure, ACL is analogous to the term TAC, and to eliminate redundancy TAC is no longer used.

Alternative 1. (Status Quo). Do not include the ability to modify ACLs, ACTs, and AMs in the existing framework procedure.

Current Framework procedure:

I. Establish an assessment group and annual adjustments:

1. The Council will appoint an assessment group (Group) that will assess the condition of selected snapper grouper species in the management unit (including periodic economic and

sociological assessments as needed) on an annually planned basis. The Group will present a report of its assessment and recommendations to the Council.

2. The Council will consider the report and recommendations of the Group and hold public hearings at a time and place of the Council's choosing to discuss the Group's report. The Council may convene the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If changes are needed in the maximum sustainable yield (MSY), total allowable catch (TAC), quotas, trip limits, bag limits, minimum sizes, gear restrictions, season/area closures (including spawning closures), timeframe for recovery of overfished species or fishing year, the Council will advise the Regional Director in writing of their recommendations accompanied by the Group's report (where appropriate), relevant background material, draft regulations, Regulatory Impact Review and public comments. For wreckfish and any other species under limited access, this report will be submitted each year at least 60 days prior to the start of the fishing season (currently April 16). Biomass levels and age structured analyses are to be added as they become available.

4. The Regional Director will review the Council's recommendations, supporting rationale, public comments and other relevant information. If the Regional Director concurs that the Council's recommendations are consistent with the goals and objectives of the fishery management plan, the national standards and other applicable law, the Regional Director will recommend that the Secretary publish proposed and final rules in the Federal Register of any changes for species managed under limited access prior to the fishing year, and for all other species and/or changes on such dates as may be agreed upon with the Council.

5. Should the Regional Director reject the recommendations, he will provide written reasons to the Council for the rejection, and existing regulations will remain in effect until the issue is resolved.

6. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

a. Initial specification of MSY and subsequent adjustment of the best estimate of MSY where this information is available for a particular species.

b. Initial specification of acceptable biological catch (ABC) and subsequent adjustment of the ABC range and/or best estimate when and where this information is available for a particular species.

c. Setting TAC for a particular species. A TAC for wreckfish may not exceed 8 million pounds.

d. Modifying (or implementing for a particular species) TAC, quotas (including zero quotas), trip limits, bag limits (including zero bag limits), minimum sizes, gear restrictions (ranging from modifying current regulations to a complete prohibition) and season/area closures (including spawning closures).

e. The fishing year and spawning closure for wreckfish may not be adjusted by more than one month.

f. Authority is granted to the Regional Director to close any fishery, i.e. revert any bag limit to zero and close any commercial fishery, once a quota has been established through the procedure described above and such quota has been filled. When such action is necessary, the Regional Director will recommend that the Secretary publish a notice in the Federal Register as soon as possible.

g. Modifying (or implementing for a particular species) a timeframe for recovery of an overfished species.

h. Initial specification and subsequent adjustment of biomass levels and age structured analyses.

Alternative 2. (Preferred) Update the framework procedure for specification of Total Allowable Catch (TAC) for the Snapper Grouper Fishery Management Plan (FMP) to incorporate ACLs, ACTs, and, AMs. Such modifications would be based upon new scientific information indicating such modifications are prudent.

Table 4-25 Proposed framework modifications

Items retained from current framework	**Items removed from current framework**	**Items added to current framework**
Adjustments to or establishment of MSY	The use of the term total allowable catch (TAC) which is replaced with ACL	The use of the term ACL in place of TAC
Adjustments to ABC	Provision that would not allow fishing year or spawning season closure to be adjusted by more than one month for wreckfish.	Use of SEDAR reports or other documentation the Council deems appropriate to provide biological analyses
Adjustments to or implementation of quotas including closing any commercial fishery when the quota is filled	References to the Council-appointed "assessment group"	The SSC prepares a written report to the Council specifying OFL and a range of ABCs for species in need of catch reductions to achieve OY.
Adjustments to or implementation of trip limits	References to the assessment group report.	The SEDAR report or SSC will recommend rebuilding periods
Adjustments to or implementation of bag limits including zero bag limits		Adjustment to ACLs and/or sector ACLs
Adjustments to or implementation of minimum sizes		Adjustment to or implementation of ACTs
Adjustments to or implementation of gear restrictions		Ability to move a species from one species complex (or species group) to another if new scientific information indicates the change is needed
Adjustments to or implementation of seasonal/area closures		
Adjustment to or implementation of timeframes for recovery of an overfished species.		
Initial specification and subsequent adjustments of biomass levels and age structured analysis.		Ability to change the status of species from an ecosystem component species to regularly managed species within the FMU and vice versa if new data indicates such a change is warranted
Inclusion of public input in the framework adjustment process		
SSC's role in providing the Council advise and recommendations for framework adjustments		

*Below, is the framework as it would appear with all of the above modifications.

<u>Proposed Language for Updated Framework Procedure</u>

I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:

Procedure for Specification of ACL:

1. At times determined by the SEDAR Steering Committee, and in consultation with the Council, NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to F_{MSY} (MFMT) and F_{OY}; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of B_{MSY}.

2. The Council will consider SEDAR stock assessments, or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The SSC will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL: is the annual harvest level corresponding to fishing at MFMT (F_{MSY}). The ABC range is intended to provide guidance to the SSC, and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper populations levels at or above F_{MSY} at B_{MSY} within the rebuilding periods specified by the Council and approved by NMFS. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council at a B_{MSY} level and a MSST from B_{MSY}. The report may also recommend more appropriate estimates of F_{MSY} for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the report will use other available

information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will set ABC at or below the OFL, taking in account scientific uncertainty. If the SSC set ABC equal to OFL, the SSC will provide its rational why it believes that level of overfishing will not exceed MFMT.

4. The Council may conduct a public hearing on the reports and the SSC's ABC specification at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

5. The Council in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:

> **a.** Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs, taking in account management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it believes that level of fishing will not exceed MFMT.
>
> **b.** May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council, and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.
>
> **c.** Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock, and adjust or establish AMs for that stock as well.

6. The Council will provide the SSC specification of OFL, SSC specification of ABC, and its recommendations to the NMFS Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of B_{MSY} and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

7. The Regional Administrator will review the Council's recommendations and supporting information; and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.

8. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:

a. ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.

b. ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs to stocks which do not have an ACT.

c. AMs, or sector AMs.

d. Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.

e. The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks and MFMT.

f. New levels or statements of MSY (or proxy) and OY for any stock.

9. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.

a. Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector form exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.

b. Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.

c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

The Comprehensive ACL Amendment IPT recommended the following additions to the framework modification action.

d. Change a species status as an ecosystem component species when new scientific information indicates a change in status us appropriate.

e. Move one or more species from one species group or stock complex to another if new scientific information indicates different species group is more appropriate.

10. If NMFS decides not to publish the proposed rule of the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

***Note:** The following EFH portion of the current framework procedure would remain unchanged under this action.

II. Establish a procedure to allow for rapid modification to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern.

This adjustment procedure will allow the Council to add or modify measures through a streamlined public review process. As such, measures that have been identified could be implemented or adjusted at any time during the year. The process is as follows:

1. The Council will call upon the Habitat and Environmental Protection Advisory Panel (Panel) for EFH-related actions and the Coral Advisory Panel for Coral-HAPC related actions. The Habitat and/or Coral Advisory Panel(s) will present a report of their assessment and recommendations to the Council.

2. The Council may take framework action one or more times during a year based on need. Such action(s) may come from the Panel report or the Council may take action based on issues/problems/information that surface separate from the Panel. The steps are as follows:

A. Habitat or Coral Advisory Panel Report - The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council's choosing to discuss the Panel's report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the Panel's report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

B. Information separate from Panel Report - The Council will consider information that surfaces separate from the Panel. Council staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council. A public hearing will be held at the time and place where the Council considers the Council staff report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If the Council determines that an addition or adjustment (e.g., in a species or species complex definition of EFH or EFH-HAPCs or a new EFH-HAPC is proposed for a species or species complex) to EFH, EFH-HAPCs, or Coral-HAPCs is necessary to meet the goals and objectives of the Habitat Plan, it will recommend, develop, and analyze appropriate action over the span of at least two Council meetings. The Council will provide the public with:

A. Advance notice of the availability of the recommendation.

B. The appropriate justifications, and biological, economic, and social analyses.

C. An opportunity to comment on the proposed adjustments prior to and at the second Council meeting.

4. After developing management actions and receiving public testimony, the Council will then submit the recommendation to the Regional Administrator. The Council's recommendation to the Regional Administrator must include supporting rationale, an analysis of impacts, and a recommendation to the Regional Administrator on whether to publish the management measure(s) as a final rule.

5. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the following factors and provide support and analysis for each factor considered:

A. Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule.

B. Whether regulations have to be in place for an entire harvest/fishing season.

C. Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures.

D. Whether there is an immediate need to protect the resource.

E. Whether there will be a continuing evaluation of management measures adopted following their promulgation as a final rule.

6. If, after reviewing the Council's recommendation and supporting information based on the FMP and the administrative record:

A. The Regional Administrator concurs with the Council's recommended management measures and determines that the recommended management measures may be published as a final rule then the action will be published in the Federal Register as a final rule; or

B. The Regional Administrator concurs with the Council's recommendation and determines that the recommended measures should be published first as a proposed rule, the action will be published as a proposed rule in the Federal Register. After additional public comment, if the Regional Administrator concurs with the Council recommendation, the action will be published as a final rule in the Federal Register; or

C. The Regional Administrator does not concur, the Council will be notified, in writing, of the reason for non-concurrence and recommendations to address those concerns.

7. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

A. Definition of or modification of a current definition of Essential Fish Habitat for a managed species or species complex.

B. Establishment of or modification of EFH-HAPCs for managed species or species complex.

C. Establishment of or modifications of Coral-HAPCs.

D. Description, identification, and regulations of fishing activities to protect EFH and EFH-HAPCs.

E. Management measures to reduce or eliminate the adverse effects of fishing activities or fishing gear on EFH or EFH-HAPCs.

F. Regulations of EFH-HAPCs.

4.5.1 Biological Effects

The Council currently has at its disposal, three different regulatory vehicles for addressing fishery management issues for any species in the snapper grouper fishery. First, a full amendment may be developed to implement management measures to alter the undesired level of mortality. The amendment process can take anywhere from one to three years dependent upon the type of NEPA document needed to support the amendment actions. Second, the Council may vote for a interim or emergency rule that could remain effective for 180 days with the option to expend it for an additional 186 days. Interim, and/or emergency rules are only meant to act as short-term management tools while permanent regulations are being developed through an FMP amendment. Third, the Council may prepare a regulatory amendment based on the current framework procedures which include biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC quotas, trip limits, bag limits, minimum sizes, gear restrictions, seasonal or area closures, definitions of, EFH, EFH-HAPCs or Coral HAPCs, and restrictions on gear and fishing activities applicable in EFH and EFH-HAPCs. Typically, framework actions can take about nine months to implement, and are effective until modified.

Alternative 1 (Status Quo) would not modify the current framework procedures to include adjustments to ACLs, ACTs, and AMs. This would maintain the Regional Administrator's current ability to adjust TAC, quotas, trip limits, bag limits, size limits, seasonal closures, and area closures; however, there would exist no means of making needed adjustments to the NS1 harvest parameters in a timely manner. Often, when a harvest reduction is needed, corrective action is required quickly. Not allowing ACLs, ACTs, and AMs to be adjusted through framework would most likely lead to extended delays in implementation of harvest reductions and/or associated AMs. Such a scenario could be biologically detrimental since excessive levels of fishing mortality, or even overfishing would persist until the appropriate harvest limitations could be put in place through amendment action. Alternately, if new data shows a stock is doing better than previous assessments indicate and more restrictive management measures are maintained, unnecessary harvest restrictions could prevent the fishery from harvesting its optimum yield. Under **Alternative 2 (Preferred),** adjustments to ACLs, ACTs, and AMs could be made with relative ease as new fishery and stock abundance information becomes available. **Alternative 2 (Preferred)** would likely be biologically beneficial for any species to which an ACL, ACT, and/or AM is assigned. By changing the current framework procedures to allow for periodic adjustments to NS 1 harvest parameters, management measures could be altered in a timely manner to implement harvest level changes or AMs in response to stock assessment or survey results. In the South Atlantic Region, 10 ACLs will be set, or defined based on current quotas and allocations, for species undergoing overfishing and many more will be set for a multitude of snapper grouper species not undergoing overfishing. Allowing ACL adjustments to be made through framework actions could eliminate the need to prepare and analyze individual amendments or amendment actions for each adjustment needed. Framework actions are implemented by the Regional Administrator and require less public and Council participation when compared to the lengthy amendment process. The majority of public participation and Council weigh-in on framework issues typically takes place when the framework procedures are initially drafted during the amendment process, as is the case here. This reduces the need for long public comment periods and periods of consideration by the Council. Eliminating these time-consuming factors would enable harvest modifications to be expedited when they are most needed.

Alternative 2 (Preferred) would add ACLs to the current list of items able to be modified through framework actions. In the South Atlantic, ACLs are likely to be the most utilized NS 1 parameter as a benchmark against which harvest overages would be measured. In most cases, the ACL would determine when an AM is triggered, and thus carries a great deal of importance to fisheries management. Therefore, it is imperative to be able to adjust any given sector or annual ACL in a timely manner in order to implement appropriate harvest levels to optimize the fishery while ensuring sustainability of snapper grouper stocks.

ACTs may not be established for each snapper grouper stock; however, including an allowance for the establishment and adjustment ACTs in the framework procedure would ensure the ability NOAA Fisheries Service to use them as a management tool if needed. ACTs can be useful as AM triggers when set lower than the ACL, which could act as a buffer to limit the likelihood of an ACL being exceeded. If an ACL is exceeded repeatedly for a species that does not have an ACT, the framework would allow an ACT to be established, which would incorporate a stop gap

measure to limit the possibility that the ACL would continue to be exceeded, or be exceeded by excessive amounts.

Alternative 2 (Preferred) would also provide a means by which AMs could be modified. Adding AMs to the framework procedures, in addition to ACLs and ACTs, builds in a level of flexibility for the Regional Administrator to make adjustments to any combination of these parameters in order effectively and efficiently reduce catch levels, and prevent future ACL overages. Revising the current FMP Framework Procedure will not directly affect the protected species, because these parameters are not used in determining immediate harvest objectives.

Regardless of how the current framework procedures are modified, those changes will have no immediate effect on protected species because those changes will not cause immediate changes in harvest objectives.

4.5.2 Economic Effects

There is likely to be no direct economic impacts resulting from **Alternative 2 (Preferred)** since it is expected that the changes that will occur are simply changes in terminology. However, the action will enable framework actions to be implemented more quickly than actions through the amendment process since they require less public and Council participation. Eliminating these time-consuming factors would enable harvest modifications to be expedited when they are most needed and this could improve management of the stocks and indirectly increase long-term economic benefits.

4.5.3 Social Effects

Updating the framework procedure for specification of TAC to incorporate ACLs, ACTs, and AMs is an administrative action. Because this it is an administrative action, it would not be expected to result in any direct social effects on fishermen, associated businesses, or fishing communities. Direct effects would only accrue to subsequent management action that occurs in response to evaluation of the fishery with respect to these parameters and any corrective action that results in response to that evaluation. The framework procedure, however, is intended to support more timely and responsive management, reducing the administrative cost of action and, potentially, reducing the severity of the action and/or achieving the goals of corrective action more quickly, thereby reducing the adverse social and economic effects on the fishery, associated businesses, and fishing communities or allowing the social and economic benefits of the action to be received sooner.

Alternative 1 (Status Quo), would not modify the Snapper Grouper FMP framework procedure for setting TAC**.** Because the status quo would not add ACLs, ACTs, and AMs as items that can be modified under the framework, **Alternative 1 (Status Quo)** would not support the indirect benefits discussed in the previous paragraph that the inclusion of these parameters into the framework would be expected to receive.

Alternative 2 (Preferred) would add ACLs, ACTs, and AMs as items that can be modified under the framework. As discussed above, modifying the framework is an administrative action

and would not be expected to result in any direct economic effects on the fishery or associated businesses. However, as discussed above, expansion of the framework procedure would be expected to support more efficient and effective management, allowing necessary management measures to be implemented more quickly, potentially lessening their severity or allowing benefits to be achieved more quickly. In the long term, positive social and economic effects, relative to the status quo, would be expected from future fishery improvements that may result from more timely adjustments of these parameters. It is noted, however, that because framework procedures are implemented more rapidly than plan amendments, there may be some concern that public participation in the decision process may be reduced relative to that which may occur under the normal plan amendment process and, as a result, the resultant final action may not be as reflective of public concerns as an action developed under a plan amendment.

In summary, **Alternative 1 (Status Quo)** would not modify the framework procedure for setting TAC and would not support more efficient and effective management of the fishery. **Alternative 2 (Preferred)** would increase the types of management measures that could be modified under the framework. This would be expected to increase the efficiency and effectiveness of management change, potentially allowing less severe corrective action when necessary, or the quicker receipt of social and economic benefits associated with less restrictive management. In the long term, positive social and economic effects, relative to the status quo, would be expected from more timely management adjustments.

4.5.4 Administrative Effects

Alternative 1 (Status Quo) would be the most administratively burdensome of the two alternatives being considered, because all modifications to ACLs, ACTs, and AMs would need to be implemented through an FMP amendment, which is a more laborious and time consuming process than a framework action. **Alternative 2 (Preferred)** would incur less of an administrative burden than **Alternative 1 (Status Quo)** since several steps in the lengthy amendment process would be eliminated if the Regional Administrator were given the latitude to adjust ACLs, ACTs, and AMs through framework actions.

4.5.5 Council's Conclusions

4.6 Research Needs

Vermilion snapper, gag, snowy grouper, golden tilefish, black sea bass, and red snapper have been assessed through the SEDAR process. After completion of these assessments, research needs have been identified by the SEDAR workgroup and made available. These needs have been identified and prioritized in the MARFIN request for proposals. Furthermore, a summary of current research will be provided in the snapper grouper SAFE Report (NMFS 2005), which is considered to be a "living" document that will be updated as new data become available.

Biological research needs that have been identified through the SEDAR process are as follows:

4.6.1 Vermilion Snapper

- Quantify discard rates especially in commercial fishery. Estimate discard mortality rates by depth and fishery.
- Research management measures that will reduce release mortality.
- Age sampling from commercial, headboat, and MRFSS that is representative.
- Develop better abundance indices that cover a broader spatial/seasonal scale.
- Fecundity estimates by length and age.
- Collect data on the magnitude and size/age composition of vermilion snapper that are discarded by fishery and gear.
- Develop an index of recruitment.
- Investigate methods of weighting applied to the input data.
- Expand MARMAP area coverage, and include more deep-water habitat.
- Incorporate commercial logbooks for use as an abundance index.
- Increase number of age samples, with a minimum of 500 samples annually for specific fishery segments (i.e., hook and line and headboat).
- Externally combine the indices of abundance into one index to be used in parallel with the existing age-structured model, rather than including the individual indices.

4.6.2 Gag

- Continue research on the use of otolith chemistry to evaluate the population structure of gag.
- Continue genetic research on gag population structure. Add Mexican (Campeche) samples to determine patterns of gene flow and population connectivity.
- Continue workshops on aging and reproductive biology, targeting gag and similar species to eliminate potential methodological differences.
- Long-term continuous monitoring of age structure should be undertaken in the South Atlantic to test the hypothesis that annual recruitment trends are similar between regions.
- Continue oceanographic modeling efforts of recruitment and larval transport associated with development of an Integrated Coastal Ocean Observing System (ICOOS).
- Additional tagging studies should be conducted off the east coast of Florida to examine the extent of northerly and southerly movements.
- Increase sampling to obtain otoliths for aging.
- Improvement in at-sea observation for discards.
- Continue education of samplers for species identification.
- Conversions are needed for different market categories (gutted, headed, filleted, whole weight).
- Data are needed on effort and discards by depth.
- A fishery independent index of abundance should be developed.
- The gag mature sex ratio is needed, from which it may be possible to infer information about male fertility and the number of sperm required for successful fertilization.
- Reconstruct the catch and total removals history (prior to 1962) from data sources not currently being used in the assessment.
- Employ DNA tagging to provide an independent snapshot of total mortality.
- Effectiveness of effort from technological changes should be examined.

4.6.3 Black sea bass

- Age sampling from commercial, headboat, and MRFSS.
- Increased fishery independent sampling.
- Update fecundity information by age and length.
- Age structured models that will take into consideration historical landings.
- Estimates of release mortality by depth and fishery.
- Determine if changes in fishing operations, including species composition of the landings, might reflect catch ability of black sea bass that has not been taken into account by the assessment.
- Index of recruitment.
- Estimate the magnitude, direction, geographic extent, timing, and management implications of mixing north and south of Cape Hatteras.
- Behavioral dynamics associated with reproduction should be investigated with respect to the effects of size selective harvesting.

4.6.4 Golden tilefish

- Develop standardized techniques for aging golden tilefish. Resolve discrepancies in aging from different institutions. Additional research is needed to verify and validate age determinations.
- Sampling programs are needed to quantify discard rates. Research is also needed to identify management measures that will reduce discard mortality.
- Expand fishery-independent sampling of tilefish.
- Representative age, length, and sex composition data are needed for all fisheries (commercial, MRFSS, headboat), gear, seasons, and areas.
- Additional life history and biological research is needed to cover the full geographic range of the species.
- Fecundity information by age and length.

4.6.5 Snowy grouper

- Develop standardized techniques for aging snowy grouper. Resolve discrepancies in aging from different institutions. Additional research is needed to verify and validate age determinations.
- Sampling programs are needed to quantify discard rates. Research is also needed to identify management measures that will reduce discard mortality.
- Expand fishery-independent sampling of snowy grouper.
- Representative age, length, and sex composition data are needed for all fisheries (commercial, MRFSS, headboat), gear, seasons, and areas.
- Additional life history and biological research is needed to cover the full geographic range of the species.
- Fecundity information by age and length.
- Further research is needed into the implication of sex change for fishery management.

4.6.6 Black grouper, Red grouper, Speckled hind, and Warsaw grouper

Black grouper, red grouper, speckled hind and warsaw grouper have not been assessed through the SEDAR process and therefore no research recommendations have been specified for these species. Black grouper and red grouper are scheduled to be assessed in 2009 through SEDAR 19 and speckled hind and warsaw grouper are scheduled to be assessed in 2013 through SEDAR 29.

Although research recommendations have not been specifically identified, some general research recommendation for other assessed species would apply. These recommendations include:

- Identify the complete catch of commercial fishermen. Determine percentage of catch retained, species composition of released fishes and fate of those fishes.
- Age composition of commercial and recreational discards is needed.
- At-sea observers for monitoring discards and developing CPUE indices.
- Develop standardized techniques for aging reef fishes. Resolve any discrepancies in fish age estimates by different institutions.
- For all reef fish species, representative age, length, and sex composition data are needed for all fisheries (commercial, MRFSS, headboat), gear, seasons, and areas.
- Provide estimates of ages determined from fishes caught with fishery-independent gear.
- Recruitment indices for reef fishes.
- Age specific estimates of natural mortality (M).
- Thoroughly examine estimates of natural mortality (M) and steepness (h) in a workshop setting.
- Estimate predator-prey interactions.
- Bioenergetics and trophic relationships needed for ecosystem management.
- Additional life history and biological research is needed for many species to cover the full geographic range of the species.
- Further research is needed into the implication of sex change for fishery management.
- Identify spawning locations, duration, periodicity, and determine if there is spawning migration.
- Fecundity information, batch fecundity, spawning frequency by age and length.

4.6.7 Socio-cultural Research Needs

Socio-cultural research needs that have been identified by the Council's Scientific and Statistical Committee are as follows:

1. Identification, definition and standardization of existing datasets to meet short-term social analysis needs (e.g. behavioral networks based on annual rounds). Centrally locate these datasets so they are accessible to researchers and managers (realizing the constraints imposed by confidentiality);

2. Development of new variables to meet long-term social analytical needs (e.g., community health, individual health, decision-making patterns, cumulative impacts of endogenous, exogenous, and regulatory factors);

3. Longitudinal Data – monitoring needs, including historical, ethnographic, and quantitative data over time;

4. Traditional ecological knowledge/local fisheries knowledge (TEK/LFK) constructions along with scientific ecological knowledge (SEK);

5. State data (license/permit data; social survey type data) and coordination between agencies/levels;

6. Better integration of social, biological and economic variables in modeling efforts; and

7. Better efforts to include humans and human behavior in the ecosystem-based framework (e.g., representation of humans as keystone predators in the system);

Economic research needs that have been identified by the Council's Scientific and Statistical Committee are as follows:

The following issues were identified as being impediments to conducting economic research:

- Confidentiality of state data and data collected through federal research projects.
- Data collected through certain agency grants cannot be distributed without dealing with confidentiality issues.
- The inability to display confidential data.

Commercial

1. Explore the feasibility of developing computable general equilibrium models, which can incorporate the entire economy and important ecosystem components (medium priority, high cost).
2. Develop an input output model for the South Atlantic commercial fisheries. This model should be similar to the NOAA Fisheries Service model for other regions on shore-based communities (medium priority, high cost).
3. Consider alternative ways to collect data on both a social and economic basis e.g. partnerships to develop projects (high priority, medium cost).
4. Ensure availability, improve upon and collect basic data: catch, employment, effort, price, cost/earnings (very high priority, high cost).
5. Opportunity costs - rely on the studies completed in the past on the next best jobs. Include collection of data to estimate worker satisfaction bonus.
6. Integrated biological, social and economic models including dynamic optimization models.
7. Demand analysis – include the effects of imports. Studies of value added product e.g. branding and marketing strategies.
8. Include data collection and analysis on the processing sector, retail sector.
9. Research on the economic and social effects of capacity reduction.
10. Employment in the primary and secondary sectors of the fishing industry that also includes research on household budgets.
11. Cumulative impacts – economic and social.

12. Models to predict fishing behavior in the face of fishing regulations. This would include description of fishing rounds on a seasonal basis and fishing behavioral networks.
13. Non-consumptive and non-use benefits of marine protected species and essential fish habitat/habitat areas of particular concern. Also, measure the socio-cultural benefits of these species.
14. Research on live product/whole weight conversion factors on a seasonal basis possibly through the TIP program or through other biological sampling programs.

Recreational

1. Assess the feasibility of developing benefits transfer models from existing data and the MRFSS. Complete recreational demand models that are more relevant for fisheries management. These models should focus on policy relevant variables (bag, size limits, individual species and species groups). (high priority, low/medium cost)
2. Develop random utility models for predicting participation changes, economic value and behavior of recreational fishermen. (high priority, high cost for data collection).
3. Develop targeted input-output model to estimate the effects of policy changes on the economic impacts of recreational fishing. Will provide information on jobs, wages, income on affected sectors such as lodging, restaurants, bait and tackle shops, marinas, boats (medium priority, high cost).
4. Include categories/motivations of recreational anglers in models outlined in items 1 and 2 (medium priority, high cost).
5. Collect data on motivations/behavioral patterns of recreational fishermen. (medium priority, high cost).
6. Characterize participants in subsistence fisheries. (low priority, high cost).
7. Develop Valuation models and I/O models for tournament fishing. (medium priority, high cost).
8. Develop cost-earnings model for the for-hire sector (charter and headboat). (high priority, high cost). NOAA Fisheries Service is currently conducting a study.

Ecosystem based management

1. Conduct analyses to facilitate the economic valuation of ecosystem services (very high priority, high cost).
2. Explore the use of ecopath and ecosim (very high priority, high cost).

4.7 Cumulative Effects

As directed by NEPA, federal agencies are mandated to assess not only the indirect and direct impacts, but the cumulative impacts of proposed actions as well. NEPA defines a cumulative impact as *"the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time"* (40 C.F.R. 1508.7). Cumulative effects can either be additive or synergistic. A synergistic effect is when the combined effects are greater than the sum of the individual effects.

Various approaches for assessing cumulative effects have been identified, including checklists, matrices, indices, and detailed models (MacDonald 2000). The Council on Environmental Quality (CEQ) offers guidance on conducting a Cumulative Effects Analysis (CEA) in a report titled "Considering Cumulative Effects under the National Environmental Policy Act". The report outlines 11 items for consideration in drafting a CEA for a proposed action.

1. Identify the significant cumulative effects issues associated with the proposed action and define the assessment goals.
2. Establish the geographic scope of the analysis.
3. Establish the timeframe for the analysis.
4. Identify the other actions affecting the resources, ecosystems, and human communities of concern.
5. Characterize the resources, ecosystems, and human communities identified in scoping in terms of their response to change and capacity to withstand stress.
6. Characterize the stresses affecting these resources, ecosystems, and human communities and their relation to regulatory thresholds.
7. Define a baseline condition for the resources, ecosystems, and human communities.
8. Identify the important cause-and-effect relationships between human activities and resources, ecosystems, and human communities.
9. Determine the magnitude and significance of cumulative effects.
10. Modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects.
11. Monitor the cumulative effects of the selected alternative and adapt management.

This CEA for the biophysical environment will follow a modified version of the 11 steps. Cumulative effects for the socio-economic environment will be analyzed separately.

4.7.1 Biological

SCOPING FOR CUMULATIVE EFFECTS

1. Identify the significant cumulative effects issues associated with the proposed action and define the assessment goals.

The CEQ cumulative effects guidance states that this step is done through three activities. The three activities and the location in the document are as follows:

I. The direct and indirect effects of the proposed actions **(Section 4.0)**;
II. Which resources, ecosystems, and human communities are affected **(Section 3.0)**; and
III. Which effects are important from a cumulative effects perspective **(information revealed in this cumulative Effects Analysis (CEA)**?

2. Establish the geographic scope of the analysis.

The immediate impact area would be the federal 200-mile limit of the Atlantic off the coasts of North Carolina, South Carolina, Georgia, and east Florida to Key West. In light of the available information, the extent of the boundaries would depend upon the degree of fish immigration/emigration and larval transport, whichever has the greatest geographical range. Therefore, the proper geographical boundary to consider effects on the biophysical environment is larger than the entire South Atlantic EEZ. The ranges of affected species are described in **Section 3.2.1**, which is hereby incorporated by reference. The most measurable and substantial effects would be limited to the South Atlantic region.

3. Establish the timeframe for the analysis.

Establishing a timeframe for the CEA is important when the past, present, and reasonably foreseeable future actions are discussed. It would be advantageous to go back to a time when there was a natural, or some modified (but ecologically sustainable) condition. However, data collection for many fisheries began when species were already fully exploited. Therefore, the timeframe for analyses should be initiated when data collection began for the various fisheries. In determining how far into the future to analyze cumulative effects, the length of the effects will depend on the species and the alternatives chosen. Long-term evaluation is needed to determine if management measures have the intended effect of improving stock status. Therefore, analyses of effects should extend beyond the time when these overfished stocks are rebuilt. Monitoring should continue indefinitely for all species to ensure that management measures are adequate for preventing overfishing in the future. A complete description of monitoring methods that would be employed under this amendment appears in **Section 4.18** of this document, and is incorporated herein by reference.

4. Identify the other actions affecting the resources, ecosystems, and human communities of concern (the cumulative effects to the human communities are discussed in Section 4).

Listed are other past, present, and reasonably foreseeable actions occurring in the South Atlantic region. These actions, when added to the proposed management measures, may result in cumulative effects on the biophysical environment.

I. Fishery-related actions affecting speckled hind, warsaw grouper, golden tilefish, snowy grouper, and red snapper.

A. Past

The reader is referred to **Section 1.3 History of Management** for past regulatory activity for the fish species. These include bag and size limits, spawning season closures, commercial quotas, gear prohibitions and limitations, area closures, and a commercial limited access system.

Amendment 14 to the FMP for the Snapper Grouper Fishery of the South Atlantic Region was implemented on February 12, 2009. Implementing regulations for Amendment 14 established eight Type 2 Marine Protected Areas (MPAs) in federal waters ranging from North Carolina to Florida (see Figure 4-2). A Type 2 MPA is an area within which fishing for or retention of snapper grouper species is prohibited but other types of legal fishing, such as trolling, are allowed. The prohibition on possession does not apply to a person aboard a vessel that is in transit with fishing gear appropriately stowed. MPAs are being used as a management tool to promote the optimum size, age, and genetic structure of slow growing, long-lived deepwater snapper grouper species (speckled hind, snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. Because of the small sizes of the MPAs, it is unlikely that any significant reductions in overall mortality of species also affected by Amendment 17B would occur. Therefore, biological effects of the MPAs would not significantly add to or reduce the anticipated biological benefits of management actions in Amendment 17B.

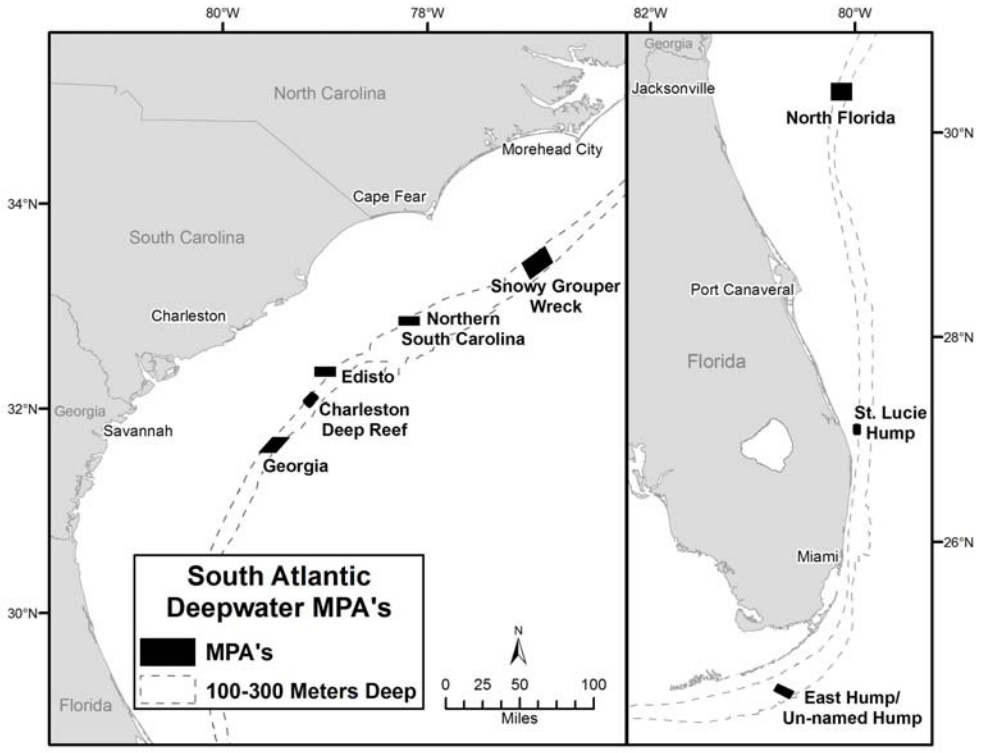


Figure 4-14 Marine protected areas implemented under Snapper Grouper Amendment 14 (SAFMC 2007).

B. Present

In addition to snapper grouper fishery management issues being addressed in this amendment, several other snapper grouper amendments have been developed concurrently and are in the process of approval and implementation.

Most recently, Amendment 16 to the FMP for the Snapper Grouper Fishery of the South Atlantic Region (SAFMC 2008c) was partially approved by the Secretary of Commerce. Amendment 16 includes provisions to extend the shallow water grouper spawning season closure, create a five month seasonal closure for vermilion snapper, require the use of dehooking gear if needed, reduce the aggregate bag limit from five to three grouper, and reduce the bag limit for black grouper and gag to one gag or black grouper combined within the aggregate bag limit. The expected effects of these measures include significant reductions in landings and overall mortality of several shallow water snapper grouper species including, gag, black grouper, red grouper, and vermilion snapper. Specifically, the use of dehooking tools may reduce the release mortality of red snapper that are incidentally caught while fishing for other snapper grouper species.

The shallow water spawning season closure for grouper in Amendment 16 extends from January through April. If **Alternative 4 (Preferred)** under the speckled hind/warsaw grouper action in Amendment 17B is also implemented through rulemaking, the entire EEZ would theoretically be closed to most fishing for snapper grouper species January through April because **Alternative 4 (Preferred)** includes a year round deepwater snapper grouper closure. This would preclude much of the effort shift into deeper water that may have otherwise taken place as a result of the spawning season closure in Amendment 16. Some species would still be available for harvest such as black sea bass and golden tilefish. However, both of those species are managed under commercial quotas and any effort shift into those fisheries as a result of the combined effects of Amendments 16 and 17B could cause the quotas to be met faster shutting down both fisheries sooner than usual. Other species not listed as shallow water species in Amendment 16 and not listed as deepwater species in Amendment 17B, may also be targeted during this four-month period when the shallow water and proposed deepwater closure could overlap. Those species include, greater amberjack, white grunt, yellowtail snapper, gray triggerfish, mutton snapper, blackfin snapper, cubera snapper, gray snapper, lane snapper, schoolmaster and others. Effort shifts to harvest of these species may help mitigate, to some extent, the combined negative socioeconomic impacts of Amendment 16 and Amendment 17B. Furthermore, increased targeting of mackerel species could be expected during this time period.

On July 30, 2008, Amendment 15B to the FMP for the Snapper Grouper Fishery of the South Atlantic Region was submitted for Secretarial review and the final rule published on November 16, 2009. Management measures in Amendment 15B, if approved, that would affect species addressed in Amendment 17B include prohibition of the sale of bag limit caught snapper grouper species for fishermen not holding a federal commercial permit for South Atlantic snapper grouper, an action to adopt, when implemented, the Atlantic Coastal Cooperative Statistics Program (ACCSP) release, discard and protected species module to assess and monitor bycatch, allocations for snowy grouper, and management reference points for golden tilefish.

Since some recreational fishermen may intentionally catch more fish than they can consume with the intent to sell, prohibiting the sale of those fish by recreational fishermen could decrease fishing effort; and therefore, may have small biological benefits. Adopting a bycatch monitoring method would not yield immediate biological benefits, but may help to inform future fishery management decisions with increased certainty using data collected from the ACCSP. Biological benefits from Amendment 15B are not expected to result in a significant cumulative biological effect when added to anticipated biological impacts under Amendment 17B.

C. Reasonably Foreseeable Future

Amendment 17A to the FMP for the Snapper Grouper Fishery of the South Atlantic Region is currently under development and is expected to include a rebuilding plan and management measures that would end overfishing of red snapper. Amendment 17A would also specify an ACL and AMs for red snapper as required by the Magunson-Stevens Act. One of several potential management measures being considered in Amendment 17A is a total prohibition on all fishing for red snapper as well as a large area closure for all snapper grouper fishing off the coasts of Georgia and Northern Florida. These closures, if implemented through rulemaking, would enhance the expected biological benefits of the spawning season closure for shallow water grouper in Amendment 16, and the proposed deepwater snapper grouper closure in Amendment 17B. It is possible that a snapper grouper closure proposed in Amendment 17A could overlap, to some degree, the deepwater closure proposed in Amendment 17B, and would therefore, enhance the biological benefit to red snapper and other deepwater species. Even greater biological benefit may accrue in the proposed Amendment 17A areas that would extend into the proposed 17B deepwater closure area (**Alternative 4 (Preferred)**) since no snapper grouper fishing would be allowed, rather than only prohibiting the harvest of deepwater species.

[Insert map showing overlap of closures once preferred management alternatives are chosen for 17A.]

Amendment 18 to the FMP for the Snapper Grouper Fishery of the South Atlantic Region is currently under development. Measures in Amendment 18 would extend the snapper grouper FMP northward, limit effort in the black sea bass and golden tilefish fisheries, separate snowy grouper quota into regions/states, separate gag recreational allocation in to regions/states, change the golden tilefish fishing year, improve the accuracy and timing of fisheries statistics, and designate EFH in the proposed snapper grouper northern area. The actions currently contained in Amendment 18, which affect the same species being addressed in Amendment 17B, are intended to prevent overcapitalization while allowing fishery participants to achieve optimum yield benefits for those species.

Amendment 20 to the FMP for the Snapper Grouper Fishery of the South Atlantic Region is currently under development. Amendment 20 will include a formal review the current wreckfish individual transferable quota (ITQ) program, and will update/modify that program according to recommendations gleaned from the review. Amendment 20 will also update the wreckfish ITQ program to comply with Reauthorized Magnuson-Stevens Act LAPP requirements. ACLs for wreckfish will be established in accordance with NS1 guidelines in this amendment as well. Actions in Amendment 20 are not likely to impact species addressed in Amendment 17B. However, more restrictive quotas, ACLs and associated management measures in Amendments 13C, 16, 15B, 17A and 17B are likely to lead to some effort shift from directed snapper grouper fishing to wreckfish fishing.

The Comprehensive Annual Catch Limit (ACL) Amendment would establish Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) for all other federally managed South Atlantic species not experiencing overfishing. Other actions contained within the ACL Amendment may include: (1) choosing ecosystem component species; (2) allocations; (3) management measures to limit recreational and commercial sectors to their ACTs; (4) accountability measures; and (5) any necessary modifications to the range of regulations. It is unlikely any of the management measures for the species being addressed in the Comprehensive ACL Amendment would directly affect the species included in Amendment 17B. However, several species are co-occurring, and species in Amendment 17B could be included in species groupings in the Comprehensive ACL Amendment e.g., the shallow water snapper grouper complex and the deepwater snapper grouper complex. Therefore, if regulations are implemented in the future that may biologically benefit one species in a species complex, it is likely others in the same complex may also realize biological benefits.

II. Non-Council and other non-fishery related actions, including natural events affecting speckled hind, warsaw grouper, golden tilefish, snowy grouper, and red snapper.

A. Past
B. Present
C. Reasonably foreseeable future

In terms of natural disturbances, it is difficult to determine the effect of non-Council and non-fishery related actions on stocks of snapper grouper species. Annual variability in natural conditions such as water temperature, currents, food availability, predator abundance, etc. can affect the abundance of young fish, which survive the egg and larval stages each year to become juveniles (i.e., recruitment). This natural variability in year class strength is difficult to predict as it is a function of many interactive and synergistic factors that cannot all be measured (Rothschild 1986). Furthermore, natural factors such as storms, red tide, cold water upwelling, etc. can affect the survival of juvenile and adult fishes; however, it is very difficult to quantify the magnitude of mortality these factors may have on a stock. Alteration of preferred habitats for snapper grouper species could affect survival of fish at any stage in their life cycles. However, estimates of the abundance of fish, which utilize any number of preferred habitats, as well as, determining the impact habitat alteration may have on snapper grouper species, is problematic.

The snapper grouper ecosystem includes many species, which occupy the same habitat at the same time. For example, red snapper co-occur with vermilion snapper, tomtate, scup, red porgy, white grunt, black sea bass, red grouper, scamp, gag, and others. Therefore, red snapper are likely to be caught and suffer some mortality when regulated since they will be incidentally caught when fishermen target other co-occurring species. Red snapper recruitment has been measured from the 1950's to the present time and shows a decline from the earliest years to a low in the mid-1900s. Since then there have been several moderately good year classes in 1998, 1999, and 2000, and then another decline through 2003, with a slight increase through 2007. These moderately good year classes have grown and entered the fishery over the past couple

years and are likely responsible for the higher catches being reported by recreational and commercial fishermen. Other natural events such as spawning seasons, and aggregations of fish in spawning condition can make some species especially vulnerable to targeted fishing pressure. Such natural behaviors are discussed in further detail in **Section 3.2** of this document, and is hereby incorporated by reference.

AFFECTED ENVIRONMENT

5. Characterize the resources, ecosystems, and human communities identified in scoping in terms of their response to change and capacity to withstand stress.

In terms of the biophysical environment, the resources/ecosystems identified in earlier steps of the CEA are the fish populations directly or indirectly affected by the regulations. This step should identify the trends, existing conditions, and the ability to withstand stresses of the environmental components.

The trends in condition of gag, vermilion snapper, black sea bass, snowy grouper, golden tilefish, and red snapper are documented through the Southeast Data, Assessment and Review (SEDAR) process. Warsaw grouper, and speckled hind have not been recently assessed. However, given the best available science, each of these stocks has been determined to be undergoing overfishing, meaning that fishing related mortality is greater than the maximum fishing mortality threshold. Red grouper and black grouper are currently being assessed through the SEDAR process, the results of which could be used to inform updates to fishery management decisions for these species in the near future. The status of each of these stocks is described in detail in **Section 3.3** of this document, and is hereby incorporated by reference.

6. Characterize the stresses affecting these resources, ecosystems, and human communities and their relation to regulatory thresholds.

This step is important in outlining the current and probable stress factors on snapper grouper species identified in the previous steps. The goal is to determine whether these species are approaching conditions where additional stresses could have an important cumulative effect beyond any current plan, regulatory, or sustainability threshold (CEQ 1997). Sustainability thresholds can be identified for some resources, which are levels of impact beyond which the resources cannot be sustained in a stable state. Other thresholds are established through numerical standards, qualitative standards, or management goals. The CEA should address whether thresholds could be exceeded because of the contribution of the proposed action to other cumulative activities affecting resources.

<u>Fish populations</u>

Definitions of overfishing and overfished for species addressed in this amendment can be found in the most recent stock assessment sources included in **Table 1-2** of this document. Applicable stock assessment sources include SEDAR 4 (2004) for golden tilefish and snowy grouper; Potts and Brennan (2001) for speckled hind, black grouper, and red grouper; Huntsman *et al.* (1993) for warsaw grouper; SEDAR Update 1 (2005) for black sea bass; SEDAR 10 (2006) for gag; SEDAR 17 (2008) for vermilion snapper; and SEDAR 15 (2008) for red snapper. Of these species, snowy grouper, black sea bass, and red snapper have been declared overfished. All others have been determined to be undergoing overfishing according to their respective overfishing and overfished definitions. Detailed discussions of the science and processes used to

determine the stock status of these species is contained in the previously mentioned information sources and are hereby incorporated by reference.

7. Define a baseline condition for the resources, ecosystems, and human communities. The purpose of defining a baseline condition for the resource and ecosystems in the area of the proposed action is to establish a point of reference for evaluating the extent and significance of expected cumulative effects. The SEDAR assessments show trends in biomass, fishing mortality, fish weight, and fish length going back to the earliest periods of data collection. For some species such as gag and snowy grouper, assessments reflect initial periods when the stocks were above B_{MSY} and fishing mortality was fairly low. However, some species such as vermilion snapper and black sea bass were heavily exploited or possibly overfished when data were first collected. As a result, the assessment must make an assumption of the biomass at the start of the assessment period thus modeling the baseline reference points for the species. For a detailed discussion of the baseline conditions of each of the species addressed in this amendment the reader is referred to those stock assessment and stock information sources referenced in **Item Number 6** of this CEA.

DETERMINING THE ENVIRONMENTAL CONSEQUENCES OF CUMULATIVE EFFECTS

8. Identify the important cause-and-effect relationships between human activities and resources, ecosystems, and human communities.

Table 4-26. The cause and effect relationship of fishing and regulatory actions within the time period of the Cumulative Effects Analysis (CEA).

Time period/dates	Cause	Observed and/or Expected Effects
1960s-1983	Growth overfishing of many reef fish species.	Declines in mean size and weight of many species including black sea bass.
August 1983	4" trawl mesh size to achieve a 12" TL commercial vermilion snapper minimum size limit (SAFMC 1983).	Protected youngest spawning age classes.
Pre-January 12, 1989	Habitat destruction, growth overfishing of vermilion snapper.	Damage to snapper grouper habitat, decreased yield per recruit of vermilion snapper.
January 1989	Trawl prohibition to harvest fish (SAFMC 1988).	Increase yield per recruit of vermilion snapper; eliminate trawl damage to live bottom habitat.
Pre-January 1, 1992	Overfishing of many reef species including vermilion snapper, and gag.	Spawning stock ratio of these species is estimated to be less than 30% indicating that they are overfished.
January 1992	Prohibited gear: fish traps south of Cape Canaveral, FL; entanglement nets; longline gear inside of 50 fathoms; powerheads and bangsticks in designated SMZs off SC. Size/Bag limits: 10" TL vermilion snapper (recreational only); 12" TL vermilion snapper (commercial only); 10 vermilion snapper/person/day; aggregate grouper bag limit of 5/person/day; and 20" TL gag, red, black, scamp, yellowfin, and yellowmouth grouper size limit (SAFMC 1991).	Protected smaller spawning age classes of vermilion snapper.
Pre-June 27, 1994	Damage to *Oculina* habitat.	Noticeable decrease in numbers and species diversity in areas of *Oculina* off FL
July 1994	Prohibition of fishing for and retention of snapper grouper species (HAPC renamed OECA; SAFMC 1993).	Initiated the recovery of snapper grouper species in OECA.
1992-1999	Declining trends in biomass and overfishing	Spawning potential ratio for vermilion snapper and gag is less than 30% indicating

Time period/dates	Cause	Observed and/or Expected Effects
	continue for a number of snapper grouper species including vermilion snapper and gag.	that they are overfished.
February 24, 1999	Gag and black: 24" total length (recreational and commercial); 2 gag or black grouper bag limit within 5 grouper aggregate; March-April commercial closure. Vermilion snapper: 11" total length (recreational). Aggregate bag limit of no more than 20 fish/person/day for all snapper grouper species without a bag limit (1998c).	F for gag vermilion snapper remains declines but is still above F_{MSY}.
October 23, 2006	Snapper grouper FMP Amendment 13C (SAFMC 2006).	Commercial vermilion snapper quota set at 1.1 million lbs gutted weight; recreational vermilion snapper size limit increased to 12" TL to prevent vermilion snapper overfishing
Effective February 12, 2009	Snapper grouper FMP Amendment 14 (SAFMC 2007).	Use marine protected areas (MPAs) as a management tool to promote the optimum size, age, and genetic structure of slow growing, long-lived deepwater snapper grouper species (e.g., speckled hind, snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish). Gag and vermilion snapper occur in some of these areas.
Effective March 20, 2008	Snapper grouper FMP Amendment 15A (SAFMC 2008a).	Establish rebuilding plans and SFA parameters for snowy grouper, black sea bass, and red porgy.
Effective December 16, 2009, and February 15, 2010.	Snapper grouper FMP Amendment 15B (SAFMC 2008b).	End double counting in the commercial and recreational reporting systems by prohibiting the sale of bag-limit caught snapper grouper, and minimize impacts on sea turtles and smalltooth sawfish.
Effective Date July 29, 2009	Snapper grouper FMP Amendment 16 (SAFMC 2008c).	Protect spawning aggregations and snapper grouper in spawning condition by increasing the length of the spawning season closure, decrease discard mortality by requiring the use of dehooking tools, reduce overall harvest of gag and vermilion snapper to end overfishing.

Time period/dates	Cause	Observed and/or Expected Effects
Target 2010	Snapper grouper FMP Amendment 17B.	SFA parameters for red snapper; ACLs and ACTs; management measures to limit recreational and commercial sectors to their ACTs; accountability measures.
Target 2010	Snapper Grouper FMP Amendment 18.	Extend the snapper grouper FMU northward, prevent overexploitation in the black sea bass and golden tilefish fisheries, improve data collection timeliness and data quality.
Target 2011	Snapper Grouper FMP Amendment 20	Review and update wreckfish ITQ program to comply with Reauthorized Magnuson-Stevens Act LAPP requirements.
Target January 1, 2011	Comprehensive ACL Amendment.	ACLs, ACTs, and accountability measures for species not experiencing overfishing; accountability measures; an action to remove species from the fishery management unit as appropriate; and management measures to limit recreational and commercial sectors to their ACTs.

9. Determine the magnitude and significance of cumulative effects.

Proposed management actions, as summarized in **Section 2** of this document, would establish ACLs and AMs for those species undergoing overfishing and are expected to have a beneficial, cumulative effect on the biophysical environment. These management actions are expected to protect and increase stock biomass, which may affect other stocks. Detailed discussions of the magnitude and significance of the preferred alternatives appear in **Section 4** of this integrated document and is hereby incorporated by reference. Below is a short summary of the biological significance and magnitude of each of the preferred alternatives chosen, and a brief discussion of their combined effect on the snapper grouper FMU and the ecosystem.

Closing the area beyond 240 feet, to deepwater snapper grouper fishing would provide protection to the largest, most fecund fish, and ensure a natural sex ratio into the future. Speckled hind are thought to form spawning aggregations, which can be susceptible to targeted fishing pressure (G. Gilmore, Dynamac Corporation, personal communication). Prohibiting all harvest of deepwater snapper grouper species beyond 240 feet would also protect these spawning aggregations, as well as decrease bycatch mortality of speckled hind, warsaw grouper, and other co-occurring deepwater snapper grouper species.

Amendment 13C took actions to immediately end overfishing of golden tilefish by establishing a 295,000 lb gw commercial quota at F_{MSY}. In order to comply with the NS 1 guidelines, the Council chose to set a single ACL for golden tilefish at 75% of F_{MSY} for the commercial and recreational sectors. Setting the ACL lower than the Amendment 13C commercial quota will establish a larger buffer between the ACL and OFL decreasing the risk of the ACL being exceeded and the AM being triggered. Therefore, this action is expected to be biologically beneficial in the long term as it will help achieve and maintain a sustainable biomass level.

Reducing the bag limit for snowy grouper to 1 fish per vessel per day would benefit the environment in the short-term and long-term by limiting the extent to which the stock is targeted. Since release mortality of snowy grouper is considered to range from 90-100 percent, the lower bag limit would provide little reduction in fishing related mortality if fishermen continued to target the species. Therefore, the key to reducing fishing mortality of snowy grouper in the recreational sector is to remove the incentive to target the species, which is the Councils intent under this action. Additionally, using an average of landings over a period of years to monitor the recreational ACL and implement AMs would provide a small benefit to the biological environment since ACL overages in the recreational sector would be accounted for on a yearly basis.

Establishing ACLs and AMs for black grouper, red grouper, black sea bass, gag, and vermilion snapper would provide protection for these species, and implement a mechanism by which ACL overages could be accounted for and recovered in subsequent years. Since SEDAR assessments are forthcoming for red grouper and black grouper, the ability to adjust their ACLs and AMs according to the outcome of those assessments has been built into the proposed modifications to the current framework procedures. In doing so the biological benefits of setting ACLs and AMs may be optimized through timely and efficient framework actions rather than time intensive FMP amendments. Every stock in the snapper grouper FMU would be able to have their ACLs, ACTs, and AMs adjusted as new stock assessment updates are reviewed.

When viewed in totality, the actions in this amendment would benefit the species currently undergoing overfishing as well as the ecosystem in which they reside. Since the snapper grouper FMU and species complexes therein include a host of co-occurring species, proposed management measures may also benefit those associated species in addition to the nine addressed here. Predator prey relationships would likely approach balanced conditions over time, and the protections put in place under this amendment may enhance the natural sex ratio and protect easily targeted fish that may aggregate to spawn. Although it is difficult to quantify the cumulative effects of the proposed actions, it is expected that the effects will be positive and synergistic.

10. Modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects.

The cumulative effects on the biophysical environment are expected to be positive. Avoidance, minimization, and mitigation are not applicable.

11. Monitor the cumulative effects of the selected alternative and adopt management.

The effects of the proposed action are, and will continue to be, monitored through collection of data by NOAA Fisheries Service, states, stock assessments and stock assessment updates, life history studies, and other scientific observations.

4.7.2 Socioeconomic

A description of the human environment, including a description of commercial and recreational snapper grouper fisheries and associated key fishing communities is contained in **Section 3.0** and incorporated herein by reference. A description of the history of management of the

snapper grouper fishery is contained in **Section 1.3** and is incorporated herein by reference. Participation in and the economic performance of the fishery have been effected by a combination of regulatory, biological, social, and external economic factors. Regulatory measures have obviously affected the quantity and composition of harvests, through the various size limits, seasonal restrictions, trip or bag limits, and quotas. Gear restrictions, notably fish trap and longline restrictions, have also affected harvests and economic performance. The limited access program implemented in 1998/1999 substantially affected the number of participants in the fishery. Biological forces that either motivate certain regulations or simply influence the natural variability in fish stocks have played a role in determining the changing composition of the fishery. Additional factors, such as changing career or lifestyle preferences, stagnant to declining ex-vessel fish prices due to imports, increased operating costs (e.g., gas, ice, insurance, dockage fees, etc.), and increased waterfront/coastal value leading to development pressure for non-fishery uses have impacted both the commercial and recreational fishing sectors.

Given the variety of factors that affect fisheries, persistent data issues, and the complexity of trying to identify cause-and-effect relationships, it is not possible to differentiate actual or cumulative regulatory effects from external cause-induced effects. For each regulatory action, expected effects are projected. However, these projections typically only minimally, if at all, are capable of incorporating the variety of external factors, and evaluation in hindsight is similarly incapable of isolating regulatory effects from other factors, as in, what portion of a change was due to the regulation versus due to input cost changes, random variability of species availability, the sale of a fish house or docking space for condominium development, or even simply fishermen behavioral changes unrelated to the regulation.

In general, it can be stated, however, that the regulatory environment for all fisheries has become progressively more complex and burdensome, increasing, in tandem with other adverse influences, the likelihood of economic losses, business failure, occupational changes, and associated adverse pressures on associated families, communities, and industries. Some reverse of this trend is possible and expected. The establishment of ACLs and AMs for species undergoing overfishing is expected to help protect and sustain harvest at the OY level. However, certain pressures would remain, such as total effort and total harvest considerations, increasing input costs, import induced price pressure, and competition for coastal access.

A detailed description of the expected social and economic impacts of the actions in this amendment are contained elsewhere in **Section 4**, and in **Sections 5** and **6**, which are incorporated herein by reference. Current and future amendments are expected to add to this cumulative effect. Snapper Grouper Amendment 15B prohibited the sale of bag-limit caught snapper grouper species for those who do not hold a federal commercial permit for snapper grouper. This would eliminate the ability of the recreational angler to subsidize the cost of a fishing trip through the sales of snapper grouper, and may therefore, decrease recreational demand. This action would have more pronounced effects on the for-hire sector which often uses the sale of bag-limit caught fish to pay crew members. The cumulative impacts of eliminating the ability to sell bag limit caught snapper grouper and the restrictions on red snapper specifically in this amendment could be perceived as being significant to this sector.

Snapper Grouper Amendment 16 addressed overfishing in the gag and vermilion snapper fisheries. The corrective action in response to overfishing always requires harvest reductions and more restrictive regulation. Thus, additional short-term adverse social and economic effects would be expected. These restrictions will hopefully prevent; however, the stocks from becoming overfished, which would require recovery plans, further harvest restrictions, and additional social and economic losses.

Snapper Grouper Amendment 17A will address the overfished status of red snapper. Because of red snapper bycatch in other snapper grouper fisheries, red snapper rebuilding is expected to require not only closure of the red snapper fishery for a protracted period of time, but also closure of other snapper grouper fisheries in certain areas. While red snapper is, in general and compared to other snapper grouper species, not a significant commercial species, it has greater importance as a target species to the recreational sector, especially the for-hire sector in certain areas of the South Atlantic. Thus, closure of the red snapper fishery alone may have substantive social and economic effects on some businesses and communities. Closure of additional snapper grouper fisheries to reduce red snapper bycatch in order to achieve red snapper rebuilding goals is expected to have additional and broader adverse short-term social and economic effects.

Snapper Grouper Amendment 18 will examine limiting participation and effort in the golden tilefish and black sea bass pot fisheries, consider extending the range of the FMP north through the Mid-Atlantic and New England Council areas, and consider separating the allowable harvests for some species in regional or state totals, among other actions. While restrictions of this nature would in theory allow status quo total harvests for the respective species to continue, these restrictions may result in the redistribution of harvests among traditional users, resulting in those who are able to increase their harvests, and associated social and economic benefits, and those who suffer reduced harvests, with associated losses in benefits. For those who would be expected to experience a possible reduction in harvests, these reductions may occur on top of declining benefits as a result of other recent or developing management action.

Cumulative economic impacts of Amendment 17B specific to the commercial fishery:

Previous sections compared the effects of proposed alternatives within each Action by assuming the No-Action alternative for other Actions. This section compares the joint effects of the Council's preferred alternatives for all Actions with the No-Action alternative for Amendment 17B. At the conclusion of the Council's meeting in September 2009, the preferred alternatives included **Alternative 4 (Preferred)** for speckled hind and warsaw grouper, **Alternative 3 (Preferred)** for tilefish allocation, **Alternative 2 (Preferred)** for golden tilefish total allowable catch, and **Alternative 2b (Preferred)** for the red grouper and black grouper ACL. The respective status quo alternatives include the simulated effects on the commercial fishery of Amendments 13C and 16.

An important characteristic of the commercial snapper-grouper fishery is that fishermen usually catch more than one species on the same trip. If two or more proposed regulations affect different species that generally are landed on the same trips, then it is possible that their joint effects could differ from the sum of the effects for each regulation considered separately.

This is not the case for Amendment 17B, which considers additional management for three relatively distinct portions of the snapper-grouper fishery. The proposed management alternatives for speckled hind and warsaw grouper primarily would affect deepwater species and have little effect on trips that land shallow water groupers or tilefish. The proposed alternatives for red grouper and black grouper primarily would affect trips with shallow water groupers and have little effect on trips that land deep water species or tilefish. Similarly, the proposed alternatives for tilefish primarily would affect trips for tilefish and have little effect on trips that land shallow water groupers or the deep water species. As a result, the effect of the preferred alternatives when evaluated simultaneously is approximately equal to the sum of the effects of each preferred alternative when evaluated separately.

Average annual net operating revenues to boat owners and crew after deducting trip costs would decline from $8.78 million in constant 2008 dollars to approximately $8.38 million with the preferred management alternatives for speckled hind, warsaw grouper, tilefish, red grouper and black grouper. The average annual difference of -$0.40 million between the Status Quo and Preferred management scenarios represents a 4.6% average annual short-term economic loss that would be incurred by the commercial snapper-grouper fishery. Actual losses would vary annually depending on economic, biological and environmental conditions. For example, the expected losses of $0.80 million (an 8.2% loss compared to Status Quo) with fishing conditions as characterized in 2008 would be approximately twice the average annual loss of $0.40 million, whereas the predicted losses of approximately $0.15 million (a 1.9% loss compared to Status Quo) with fishing conditions as characterized in 2005 would be approximately half the average (Figures 15a and 15b).

Figure 15a. Predicted change in commercial net operating revenues by year for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

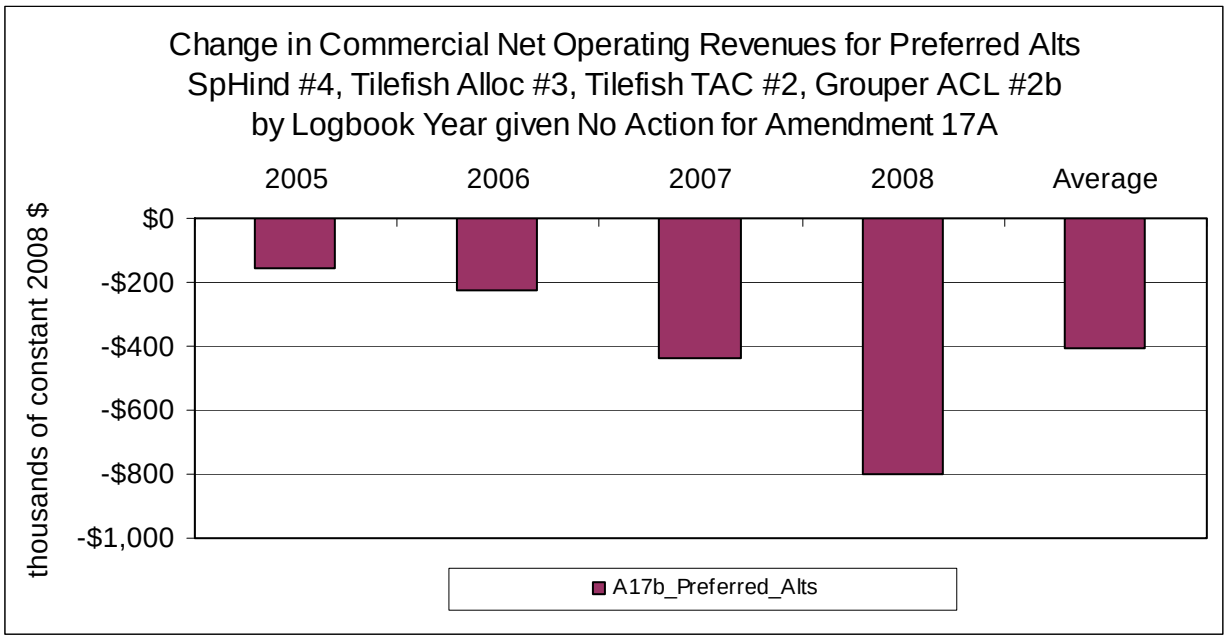


Figure 15b. Predicted percentage change in commercial net operating revenues by year for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

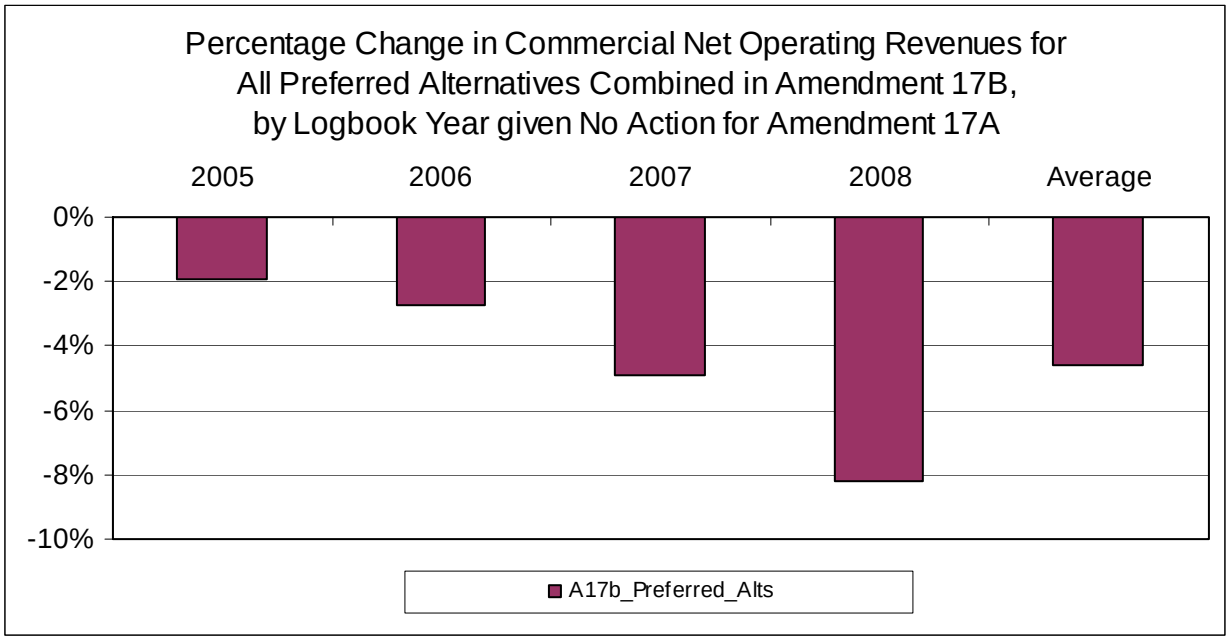


Figure 16a. Predicted change in commercial net operating revenues by gear for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

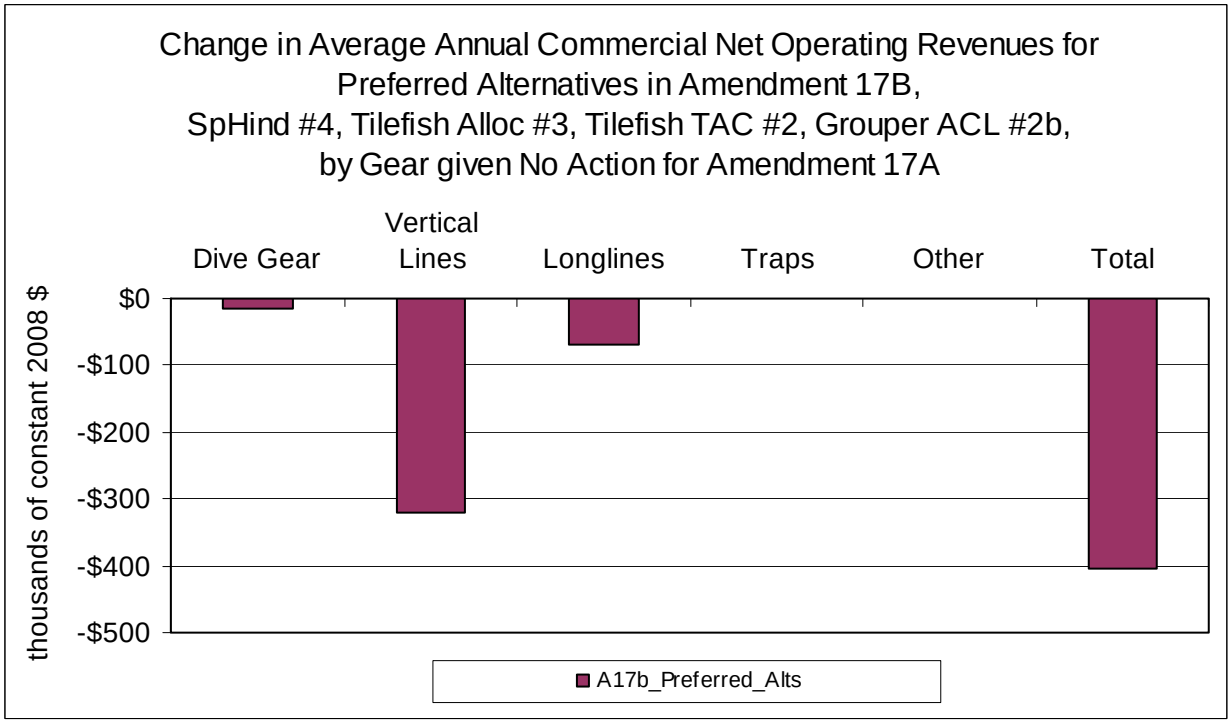
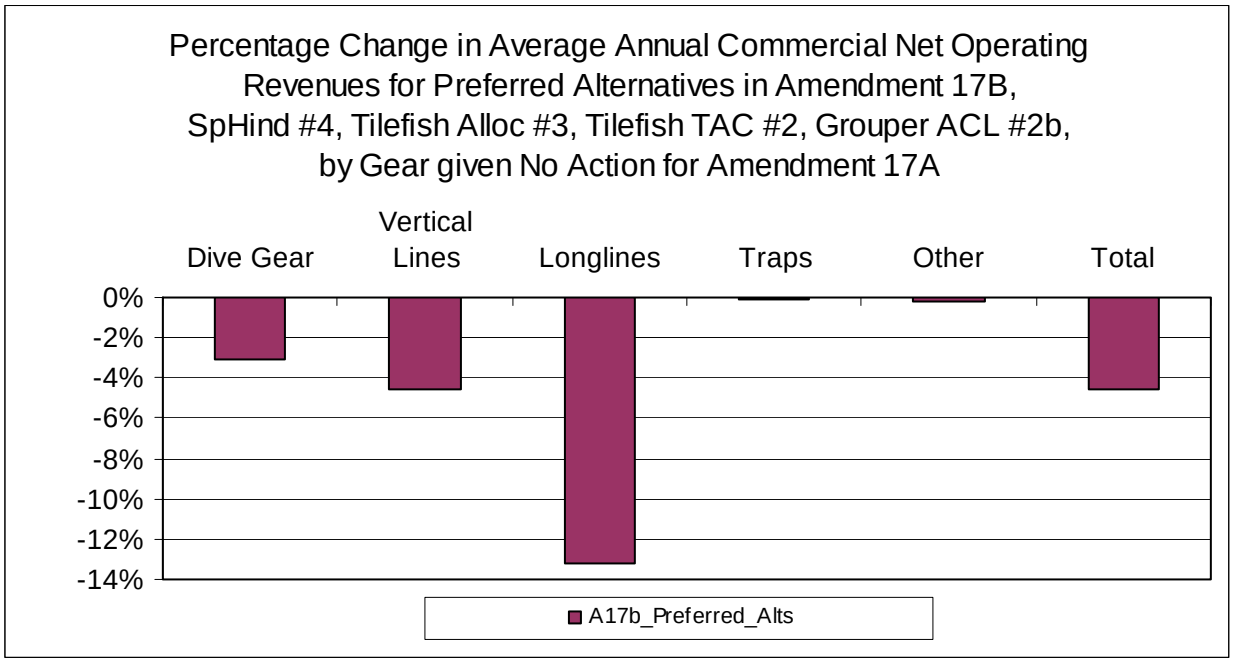


Figure 16b. Predicted percentage change in commercial net operating revenues by gear for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.



The expected economic losses differ by gear. Most of the losses in dollars would be incurred by boats on trips with vertical line gear because that is the predominant gear in the fishery. Fishermen on trips with longlines represent a smaller component of the snapper-grouper fishery, but would incur greater percentage losses because the prohibition on the harvest of deep water species in waters deeper than 240 feet would eliminate most of the longline fishery for snowy grouper and yellowedge grouper. Fishermen on trips with vertical line gear are expected to lose an annual average of slightly more than $320,000 per year in constant 2008 dollars, or about 4.6% compared to No Action, while fishermen on trips with bottom longlines are expected to lose an average of $68,000 per year, or about 13.2% compared to their earnings with the Status Quo (Figures 16a and 16b).

The economic effects of Amendment 17B also are expected to differ by state of landing. Fishermen from North Carolina, South Carolina, and the Florida Keys would incur the greatest losses in terms of both dollars and percentages, whereas fishermen from Georgia through southeast Florida would be affected to a lesser extent (Figures 17a and 17b). The geographic distribution of expected reductions in net operating revenues primarily reflects the location of fishing activities for the species whose harvest would be prohibited in waters deeper than 240 feet.

Most vessels would not be affected by the preferred alternatives. The logbook database includes trip reports for 776 vessels in 2005, 765 vessels in 2006, 760 vessels in 2007 and 791 vessels in 2008. Over the 4-year period, approximately 77.3 percent of vessels would not be affected by the preferred alternatives in Amendment 17B. Approximately 13.5 percent would be expected to incur losses of less than $1,000 per vessel. Another 6.3 percent would be expected to incur losses between $1,000 and $5,000 per vessel, and 2.2 percent would be expected to incur losses

of more than $5,000. Approximately 0.7 percent would be expected to realize a gain in net operating revenues. Based on logbook data for 2005-2008, the maximum loss per vessel would be approximately $131,000 given conditions in 2008, and the maximum gain per vessel would be approximately $3,000 given conditions in 2006.

Figure 17a. Predicted change in commercial net operating revenues by state of landing for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

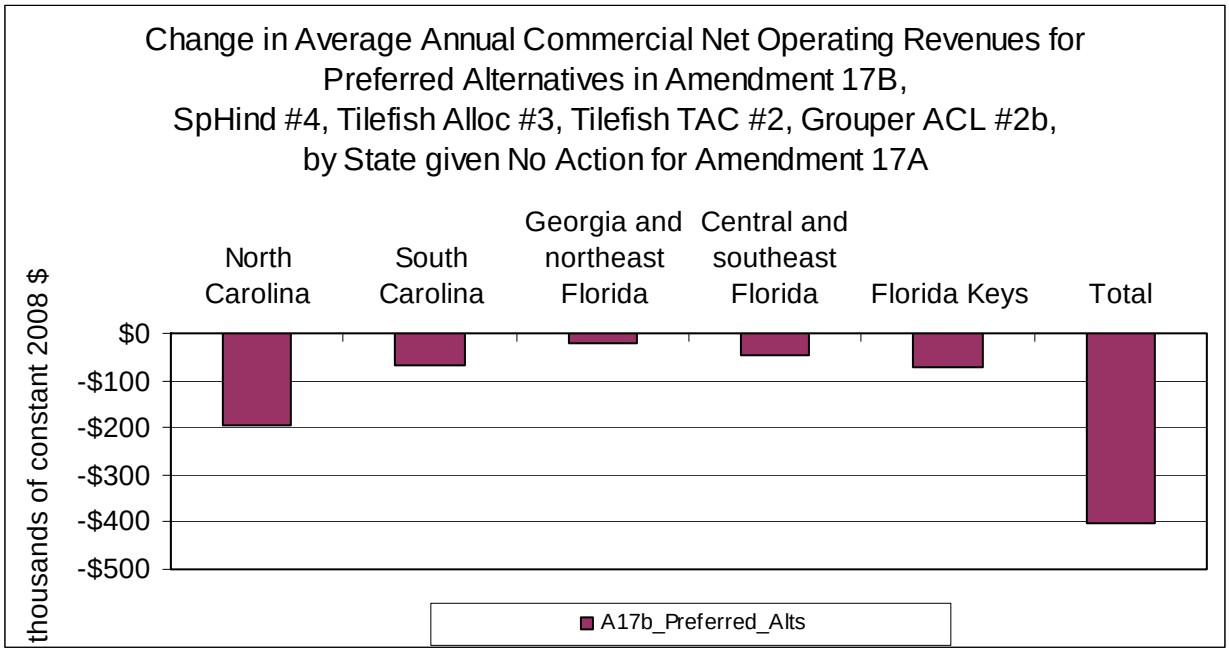
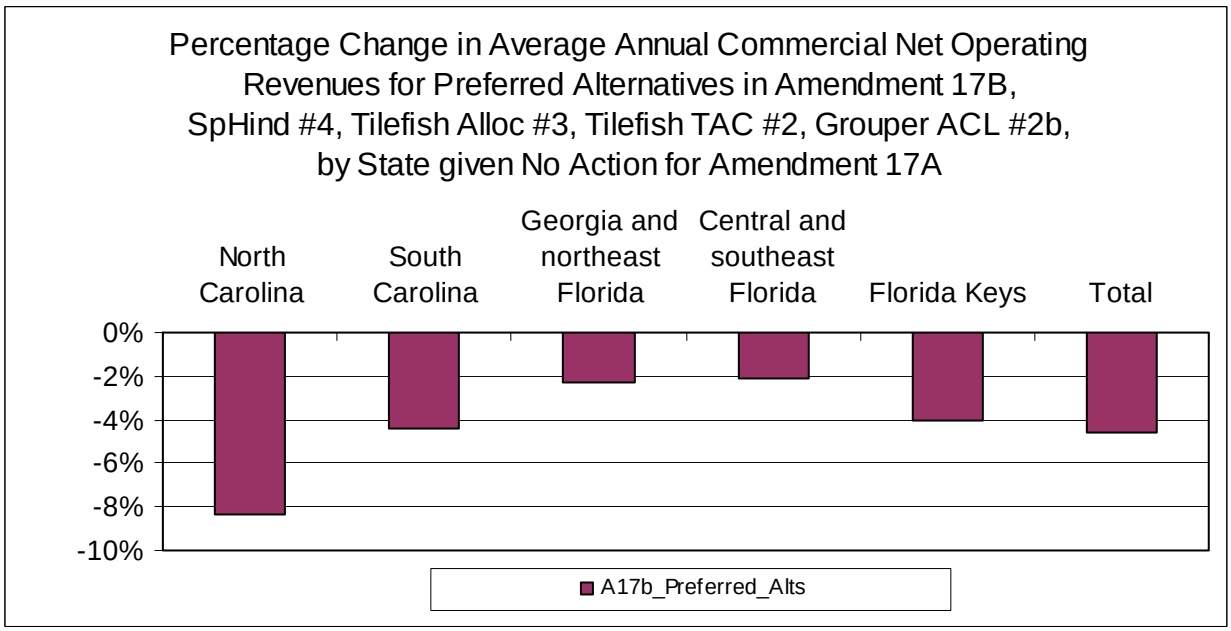


Figure 17b. Predicted percentage change in commercial net operating revenues by state of landing for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.



The simulation results suggest that most of the proposed management alternatives that were evaluated would not have major *additional* economic effects when compared to the no-action alternative for the entire commercial snapper-grouper fishery, *after accounting for the expected effects of Amendments 13C and 16*. This is because Amendment 17B would not impose additional regulations for the commercial harvest of high-volume species such as vermilion snapper, yellowtail snapper and gag.

Average annual net operating revenues to boat owners and crew after deducting trip costs would decline from $8.78 million in constant 2008 dollars to approximately $8.38 million with the preferred management alternatives for speckled hind, warsaw grouper, tilefish, red grouper and black grouper. The average annual difference of -$0.40 million between the No Action and Preferred management scenarios represents a 4.6% average annual short-term economic loss that would be incurred by the commercial snapper-grouper fishery. On average, approximately 72% of the overall, expected annual reduction in net operating revenues would occur in response to the prohibition on the harvest and landing of deep water groupers and snappers and blueline tilefish in waters deeper than 240 feet. Approximately 26% of the expected annual reduction would occur in response to the aggregate ACL for red grouper, black grouper and gag, and the remaining 2% reduction is expected in response to a lower ACL for tilefish.

The analysis evaluated the economic effects of proposed alternatives for each management action given the No-Action alternative for other actions, as well as the simultaneous effects of all preferred alternatives for the various actions in Amendment 17B. In addition, the management alternatives in Amendment 17B could interact with additional alternatives that are simultaneously being developed in Amendment 17A to manage fishing activity in areas with large concentrations of red snapper. The simultaneous evaluation of preferred alternatives from the two amendments can occur later when preferred alternatives are specified for all Actions in both amendments.

4.8 Bycatch Practicability

4.8.1 Population Effects for the Bycatch Species

4.8.1.1 Background

The directed commercial fishery for vermilion snapper, gag, red snapper, misty grouper, silk snapper, red grouper, queen snapper, snowy grouper, black grouper, and blueline tilefish is prosecuted primarily with hook and line gear (Table 4-27). Black sea bass are predominantly taken with pots; whereas, longline gear has been the predominant gear type used to capture golden tilefish, yellowedge grouper, speckled hind, and warsaw grouper. Commercial landings information for speckled hind and warsaw grouper are probably not reliable since sale is prohibited for these species.

Table 4-27. Percentage of commercial catch by gear based on data from 2005-2008.

Species	H&L	Diving	LL	Pot	Other
Gag	94.85%	3.62%	1.31%	0.02%	0.20%

Black sea bass	11.07%	0.01%	0.01%	88.81%	0.10%
Vermilion snapper	99.75%	0.05%	0.05%	0.10%	0.05%
Red grouper	76.53%	1.30%	21.75%	0.20%	0.23%
Black grouper	71.70%	10.17%	17.07%	0.17%	0.89%
Golden tilefish	10.03%	0.00%	89.61%	0.00%	0.35%
Snowy grouper	73.55%	0.00%	26.25%	0.01%	0.19%
Red Snapper	92.56%	5.95%	0.58%	0.01%	0.91%
Speckled Hind	27.09%	0.08%	72.54%	0.29%	0.01%
Warsaw grouper	33.28%	0.00%	66.72%	0.00%	0.00%
Blueline tilefish	56.09%	0.03%	41.74%	1.76%	0.37%
Yellowedge grouper	17.90%	0.05%	82.05%	0.00%	0.01%
Misty grouper	88.25%	0.87%	10.88%	0.00%	0.00%
Queen Snapper	75.75%	1.15%	23.07%	0.00%	0.03%
Silk Snapper	86.76%	0.02%	13.19%	0.01%	0.02%

Source: NMFS SEFSC Logbook program.
Note. All of Monroe County is represented for commercial landings.

Landings during 2005-2008 were predominantly from the commercial sector for vermilion snapper, gag, golden tilefish, snowy grouper, black grouper, speckled hind, yellowedge grouper, misty grouper, queen snapper, and silk snapper. The recreational sector dominated landings for red snapper, red grouper, blueline tilefish, black sea bass, and warsaw grouper (Table 4-28).

Table 4-28. Average landings (lbs whole weight) during 2005-2008 for commercial (ALS), headboat (HB), MRFSS, and HB MRFSS combined.

Species	commercial	HB	MRFSS	HB/MRFSS
Gag	634,628	63,470	375,349	438,819
Black sea bass	453,254	153,774	647,776	801,550
Vermilion snapper	1,050,800	407,322	321,564	728,886
Red grouper	508,490	64,382	539,640	604,022
Black grouper	155,104	14,988	41,789	41,789
Golden tilefish	370,095	0	72,271	72,271
Snowy grouper	193,962	671	60,113	60,784
Red Snapper	143,029	93,894	539,640	633,534
Speckled Hind	15,765	1,207	1,753	2,960
Warsaw grouper	2,267	1,034	10,206	11,240
Blueline tilefish	207,169	513	268,279	268,792
Yellowedge grouper	52,063	30	428	458
Misty grouper	1,697	1	0	1
Queen snapper	6,444	0	352	352
Silk snapper	24,207	2,131	661	2,792

Note. All of Monroe County is represented for commercial landings.

Regulations (see Section 2 for details), which are currently being used to manage the species included in Snapper Grouper Amendment 17B are: quotas (gag, vermilion snapper, golden tilefish, snowy grouper, and black sea bass); size limits (vermilion snapper, gag, red grouper, black grouper, red snapper, queen snapper, and black sea bass); bag limits (all 15 species mentioned in Table 4-28); and closed seasons (gag, vermilion snapper, black grouper, and red grouper).

Management measures proposed in Amendment 17B would establish ACLs and AMs for some species undergoing overfishing, modify management measures to reduce harvest to achieve ACLs and ACTs, establish allocations for golden tilefish, and update framework procedures. These alternatives are described in detail in Sections 2.0 and 4.0. The final NS1 guidelines recognize that existing FMPs may use terms and values that are similar to, associated with, or may be equivalent to ABC, ACL, ACT, and AM in many fisheries for which annual specifications are set for different stocks or stock complexes. In these situations the guidelines suggest that, as Councils revise their FMPs, they use the same terms as set forth in the NS1 guidelines.

Management measures specified in Snapper Grouper Amendment 16, which has been implemented, include actions that could serve as ABCs, ACLs, ACTs, and AMs for species addressed in Amendment 17B. Amendment 16 established sector allocations for gag and vermilion snapper, a commercial quota for gag, and reduced the commercial quota for vermilion snapper; prohibited harvest and retention of gag and shallow water groupers (gag, black grouper, red grouper, scamp, red hind, rock hind, coney, graysby, yellowfin grouper, yellowmouth grouper and tiger grouper) after the commercial gag quota is met; established a January through April recreational and commercial spawning season closure for gag and other shallow water

groupers including red grouper and black grouper; modified bag limits for vermilion snapper, gag, and shallow water groupers; established a recreational closed season for vermilion snapper; and excluded captain and crew on for-hire vessels from retaining vermilion snapper or species in the grouper aggregate.

4.8.1.2 Commercial Fishery

During 2004 to 2008, approximately 20% of snapper grouper permitted vessels from the Gulf of Mexico and South Atlantic were randomly selected to fill out supplementary logbooks. The average number of trips per year during 2005 to 2008 was 14,005 (Table 4-29). Fishermen spent an average of 1.69 days at sea per trip.

Table 4-29. Snapper grouper fishery effort for South Atlantic.

Year	Trips	Days	Days per Trip
2005	13,783	22,876	1.66
2006	13,273	23,335	1.76
2007	14,835	24,446	1.65
2008	14,127	23,898	1.69
Mean	14,005	23,639	1.69

Source: NMFS SEFSC Logbook Program.

For species in Snapper Grouper Amendment 17B, the number of trips that reported discards was greatest for vermilion snapper, red grouper, and gag, followed by black sea bass, black grouper, and red snapper (Table 4-30). The average percentage of trips that reported discards was 5.35% for vermilion snapper, 3.52% for red grouper, 2.71% for black grouper, 2.67% for black sea bass, 2.59% for gag, and 1.91% for red snapper (Table 4-31). During 2005-2008, the average number of individuals discarded per trip was greatest for vermilion snapper (63), followed by black sea bass (47), and red snapper (19) (Table 4-32).

Since the discard logbook database represents a sample, data were expanded to estimate the number of discard fish in the whole fishery. The method for expansion was to: (1) estimate the probability of discarding a species; (2) estimate the number of fish discarded per trip; and (3) estimate the number discarded in the whole fishery (total discarded = total trips * % trips discarding * discard number). For example in 2008, the total discards of red grouper 1,493 = 14,127 total trips (Table 4-29) * 0.023 trips discarding (Table 4-31) * 4.4 discards/trip (Table (Table 4-32). During 2005-2008, an average of 52,160 vermilion snapper, 20,731 black sea bass, 5,405 red snapper, 2,775 red grouper, 2,471 gag, and 1,934 black grouper were discarded per year (Table 4-33).

Table 4-30. Annual number of trips reporting discard of Amendment 17B species.

Year	Red grouper	Black grouper	Vermilion snapper	Gag	Red snapper	Golden tilefish	Speckled hind	Warsaw grouper	Snowy grouper	Black sea bass	Blueline tilefish	Yellowedge grouper	Misty grouper	Queen snapper	Silk snapper
2005	118	115	78	64	29	0	38	1	8	54	2	3	0	0	1
2006	74	44	96	23	28	0	13	0	1	54	0	0	0	0	0
2007	143	82	158	88	58	1	6	1	10	55	1	0	0	2	1
2008	110	96	472	221	180	1	42	3	29	215	0	0	0	0	0
Mean	111.3	84.3	201.0	99.0	73.8	0.5	24.8	1.3	12.0	94.5	0.8	0.8	0.0	0.5	0.5

Source: NMFS SEFSC Logbook Program.

Table 4-31. Percentage of trips that discarded Amendment 17B species.

Year	Red grouper	Black grouper	Vermilion snapper	Gag	Red snapper	Golden tilefish	Speckled hind	Warsaw grouper	Snowy grouper	Black sea bass	Blueline tilefish	Yellowedge grouper	Misty grouper	Queen snapper	Silk snapper
2005	5.00	4.87	3.31	2.71	1.23	0.00	1.61	0.04	0.34	2.29	0.08	0.13	0.00	0.00	0.04
2006	3.78	2.25	4.91	1.18	1.43	0.00	0.66	0.00	0.05	2.76	0.00	0.00	0.00	0.00	0.00
2007	2.99	1.72	3.31	1.84	1.21	0.02	0.13	0.02	0.21	1.15	0.02	0.00	0.00	0.04	0.02
2008	2.30	2.01	9.88	4.62	3.77	0.01	0.88	0.06	0.61	4.50	0.00	0.10	0.00	0.00	0.00
Mean	3.52	2.71	5.35	2.59	1.91	0.01	0.82	0.03	0.30	2.67	0.03	0.06	0.00	0.01	0.02

Source: NMFS SEFSC Logbook Program.

Table 4-32. Average number (unexpanded) of Amendment 17B species.

Year	Red grouper	Black grouper	Vermilion snapper	Gag	Red snapper	Golden tilefish	Speckled hind	Warsaw grouper	Snowy grouper	Black sea bass	Blueline tilefish	Yellowedge grouper	Misty grouper	Queen snapper	Silk snapper
2005	4.9	6.6	62.9	6.1	22.7	0.0	5.3	2.0	3.8	21.4	1.0	3.0	0.0	0.0	5.0
2006	7.1	4.6	45.5	2.9	9.8	0.0	8.2	0.0	1.0	21.6	0.0	0.0	0.0	0.0	0.0
2007	6.0	3.0	62.8	4.8	24.0	2.0	3.3	1.0	2.2	57.0	3.0	0.0	0.0	1.0	1.0
2008	4.4	3.8	81.6	8.5	20.8	2.0	8.3	4.3	6.9	87.7	0.0	0.0	0.0	0.0	0.0
Mean	5.6	4.5	63.2	5.6	19.3	1.0	6.3	1.8	3.5	46.9	1.0	0.8	0.0	0.3	1.5

Source: NMFS SEFSC Logbook Program.

Table 4-33. Expanded number of discarded Amendment 17B species.

Year	Red grouper	Black grouper	Vermilion snapper	Gag	Red snapper	Golden tilefish	Speckled hind	Warsaw grouper	Snowy grouper	Black sea bass	Blueline tilefish	Yellowedge grouper	Misty grouper	Queen snapper	Silk snapper
2005	3,389	4,458	28,647	2,290	3,850	0	1,180	12	175	6,760	12	53	0	0	29
2006	3,540	1,377	29,646	448	1,852	0	726	0	7	7,929	0	0	0	0	0
2007	2,676	767	30,778	1,301	4,315	6	62	3	68	9,725	9	0	0	6	3
2008	1,493	1,136	119,568	5,845	11,604	3	1,080	40	624	58,511	0	0	0	0	0
Mean	2,775	1,934	52,160	2,471	5,405	2	762	14	219	20,731	5	13	0	2	8

Source: NMFS SEFSC Logbook Program.

During 2005-2008, vermilion snapper, black sea bass, and red snapper were among the top ten most commonly discarded species in South Atlantic waters (Table 4-34).

Table 4-34. The 65 most commonly discarded species during 2005-2008 for the South Atlantic.

Species	Number of trips reported discarding the species	Number discarded
RED PORGY	1,027	106,888
SNAPPER, VERMILION	831	58,956
SHARK, UNC	383	26,882
BLACK SEA BASS	394	24,682
SNAPPER,YELLOWTAIL	1,539	15,764
SHARK, DOGFISH, SPINY	63	12,870
SCAMP	706	6,793
SNAPPER, RED	298	6,068
KING MACKEREL	1,052	5,688
SNAPPER, GRAY	273	4,730
TUNA, LITTLE (TUNNY)	121	4,092
MENHADEN	46	3,400
SHARK, DOGFISH, UNC	52	3,397
SHARK, ATLANTIC SHARPNOSE	151	3,304
PINFISH, SPOTTAIL	96	3,203
GROUPER, GAG	404	2,820
BLUEFISH	62	2,582
GROUPER, RED	451	2,466
SCUPS OR PORGIES,UNC	54	2,154
SHARK, DOGFISH, SMOOTH	31	2,136
GRUNTS	135	2,092
SHARK, BLACKTIP	155	2,080
BLUE RUNNER	232	1,776
AMBERJACK, GREATER	235	1,736
SHARK, SANDBAR	114	1,715
GRAY TRIGGER FISH	129	1,597
GROUPER, BLACK	340	1,592
SHARK, TIGER	110	1,492
GRUNT, TOMTATE	15	1,323
GRUNT, WHITE	83	1,188
SNAPPER, MUTTON	191	897
DOLPHINFISH	157	786
AMBERJACK	156	776
BONITO, ATLANTIC	154	762
REMORA	227	731
HIND, SPECKLED	101	688
BARRACUDA	55	626
BALLYHOO	18	600
SNAPPERS, UNC	21	506

Species	Number of trips reported discarding the species	Number discarded
FINFISHES, UNC FOR FOOD	68	478
TRIGGERFISHES	79	470
SNAPPER, LANE	53	385
GROUPERS	52	365
SPANISH MACKEREL	78	345
SHARK, CARIBBEAN SHARPNOSE	8	334
RAYS, UNC	44	320
STINGRAYS	28	305
NEEDLEFISH, ATLANTIC	71	297
CERO	95	285
CHUBS	6	263
GROUPER, SNOWY	49	255
TILEFISH, SAND	33	232
AMBERJACK, LESSER	7	204
COBIA	116	197
SHARK, NURSE	67	182
SHARK, SPINNER	26	167
MARGATE	12	166
SHARK, HAMMERHEAD	49	157
SNAPPER, MAHOGONY	13	133
RUDDERFISH (SEA CHUBS)	28	129
TUNA, YELLOWFIN	24	114
HAKE, ATLANTIC ,RED & WHITE	19	105
JACK, ALMACO	13	104
SPADEFISH	19	102
SKATES	17	97

Source: NMFS SEFSC Logbook Program.

Recreational Fishery

For the recreational fishery, estimates of the number of recreational discards are available from MRFSS and the NMFS headboat survey. The MRFSS system classifies recreational catch into three categories:

- Type A - Fishes that were caught, landed whole, and available for identification and enumeration by the interviewers.

- Type B - Fishes that were caught but were either not kept or not available for identification:

    - Type B1 - Fishes that were caught and filleted, released dead, given away, or disposed of in some way other than Types A or B2.

    - Type B2 - Fishes that were caught and released alive.

For species in Snapper Grouper Amendment 17B, the number of released fish was greatest for black sea bass (12,155,946) and red snapper (1,119,080), followed by vermilion snapper (782,111), gag (631,667), and red grouper (363,155) (Table 4-35). During 2005-2008, 86% black grouper, 85% speckled hind, 84% red snapper, 82% black sea bass, 79% gag, and 61% red grouper were released by recreational fishermen (Table 4-35).

Table 4-35. Estimated number total catch (A+B1+B2), harvests (A+B1), and released (B2) fish in numbers for the South Atlantic during 2005-2008.

Species	Total	A+B1	B2	% B2
Vermilion snapper	1,867,502	1,085,391	782,111	42
Gag	799,283	167,616	631,667	79
Red grouper	599,114	235,959	363,155	61
Black grouper	89,144	12,499	76,645	86
Red snapper	1,333,800	214,720	1,119,080	84
Golden tilefish	86,228	85,192	1,036	1
Speckled hind	13,164	1,928	11,236	85
Warsaw grouper	3,158	3,032	126	4
Snowy grouper	34,770	29,963	4,807	14
Black sea bass	14,741,374	2,585,428	12,155,946	82
Blueline tilefish	257,348	236,948	0	8
Yellowedge grouper	3,017	3,017		0
Misty grouper	n/a	n/a	n/a	n/a
Queen snapper	570	570	0	0
Silk snapper	9,982	8,070	1,912	19

Source: MRFSS Web Site.

Headboat fishermen most commonly discarded black sea bass (480,079), followed by red snapper (159,491), and vermilion snapper (56,434) during 2005-2008 (Table 4-36). Among the grouper species, gag (12,851), red grouper (15,743), black grouper (2,163), and speckled hind (222) were discarded most often (Table 4-36). To estimate the number of dead discards, it was assumed the release mortality rates were: 15% black sea bass, 38% vermilion snapper, 25% gag, 20% black grouper, 20% red grouper, 40% red snapper, and 100% snowy grouper and golden tilefish. 100% release mortality was also assumed for blueline tilefish, yellowedge grouper, misty grouper, and queen snapper. Silk snapper would have high release mortality, but possibly less than 100%.
Golden tilefish, misty grouper, and queen snapper were not harvested or discarded by headboat fishermen during 2005-2008.

Table 4-36. Total fish released alive or dead on sampled headboat trips during 2005-2008. Release mortality rates used to estimate dead discards are: 15% black sea bass; 38% vermilion snapper; 25% gag, 20% black grouper, 20% red grouper, 40% red snapper, and 100% each for snowy grouper, golden tilefish, blueline tilefish, yellowedge grouper, misty grouper, and queen snapper. Silk snapper would have high release mortality but possibly less than 100%. Dead discards = (no. released alive * % release mortality rate) + no. released dead.

Species	released alive	mean#/trip	released dead	mean#/trip	#trips alive	# trips dead	dead discards
Vermilion snapper	56,434	6.63	14,354	1.69	8,515	8,510	35,799
Gag	12,851	1.83	252	0.04	7,015	7,011	3,465
Black grouper	2,163	1.16	33	0.02	1,868	1,868	466
Red grouper	15,743	2.81	217	0.04	5,612	5,609	6,514
Red snapper	159,491	24.00	2,695	0.41	6,645	6,642	66,491
Golden tilefish	0	0.00	0	0.00	0	0	0
Speckled hind	222	0.62	1	0.00	359	359	unknown
Warsaw grouper	132	0.73	5	0.03	181	181	unknown
Snowy grouper	101	0.68	5	0.03	149	149	106
Black sea bass	480,079	38.05	13,032	1.03	12,616	12,613	85,044
Blueline tilefish	7	0.18	0	0.00	40	40	7
Yellowedge grouper	20	2.00	0	0.00	10	10	20
Misty grouper	0	0.00	0	0.00	0	0	0
Queen snapper	0	0.00	0	0.00	0	0	0
Silk snapper	154	0.98	21	0.13	157	157	unknown

Source: NMFS Headboat survey.

4.8.1.3 Finfish Bycatch Mortality

SEDAR 17 (2008) recommended a release mortality rate for vermilion snapper of 38% for both the commercial and recreational fisheries. This was based on a recent mortality study conducted by Ruderhshausen *et al*. (2007). Previously, SEDAR 2 (2003) estimated a release mortality rate of 40% and 25% for vermilion snapper taken by commercial and recreational fishermen, respectively. Release mortality rates from SEDAR 2 (2003) were based on cage studies conducted by Collins (1996) and Collins *et al*. (1999). Burns *et al*. (2002) suggested that release mortality rates of vermilion snapper could be higher than those estimated from cage studies because cages protect the fish from predators. A higher release mortality rate is supported by low recapture rates of vermilion snapper in tagging studies. Burns *et al*. (2002) estimated a 0.7% recapture rate for 825 tagged vermilion snapper; whereas, recapture rates for red grouper and gag from 3.8% to 6.0% (Burns *et al*. 2002). McGovern and Meister (1999) estimated a 1.6% recapture rate for 3,827 tagged vermilion snapper. Alternatively, recapture rates could be low if population size was very high or tagged fish were unavailable to fishing gear. Harris and Stephen (2005) indicated approximately 50% of released vermilion snapper caught by one commercial fisherman were unable to return to the bottom. Higher recapture rates were estimated for black sea bass (10.2%), gray triggerfish (4.9%), gag (11%), and greater amberjack (15.1%) (McGovern and Meister 1999; McGovern *et al*. 2005). Burns *et al*. (2002) suggested released vermilion snapper did not survive as well as other species due to predation. Vermilion snapper, which do not have air removed from swim bladders, are subjected to predation at the surface of the water. Individuals with a ruptured swim bladder or those that have air removed from the swim bladder are subject to bottom predators, since fish would not be able to join schools of other vermilion snapper hovering above the bottom (Burns *et al*. 2002). However, Wilde (2009) reports that venting appears to be increasingly harmful for fish captured from deepwater.

SEDAR 10 (2006) estimated release mortality rates of 40% and 25% for gag taken by commercial and recreational fishermen, respectively. A tagging study conducted by McGovern *et al.* (2005) indicated recapture rates of gag decreased with increasing depth. The decline in recapture rate was attributed to depth related mortality. Assuming there was no depth related mortality at 0 m, McGovern *et al.* (2005) estimated depth related mortality ranged from 14% at 11 – 20 m (36 – 65 feet) to 85% at 71 – 80 m (233 – 262 feet). Similar trends in depth related mortality were provided by a gag tagging study conducted by Burns *et al.* (2002). Overton *et al.* (2008) reported a post-release mortality for gag as 13.3%. Release mortality rates are not known for other shallow water grouper species but could be similar to gag since they have a similar depth distribution.

A recent study conducted by Rudershausen *et al.* (2007) estimated release mortality rates of 15% for undersized vermilion snapper and 33% for undersized gag taken with J- hooks in depths of 25 – 50 m off North Carolina. Immediate mortality of vermilion snapper was estimated to be 10% at depths of 25 – 50 m and delayed mortality was estimated to be 45% at the same depths. For gag caught at depths of 25 – 50 m, no immediate mortality was observed but delayed mortality was estimated to be 49%. McGovern *et al.* (2005) estimated a release mortality rate of 50% at 50 m, which is similar to the findings of Rudershausen *et al.* (2007). Rudershausen *et al.* (2007) also concluded minimum size limits were moderately effective for vermilion snapper and gag over the shallower portions of their depth range.

Release mortality rates are unknown for black grouper and red grouper, but could be similar to gag as they occupy a similar depth range. Estimates of release mortality rates for these species will be provided by the SEDAR 19 assessment, which began in June, 2009. Wilson and Burns (1996) reported potential mortality rates for released red grouper to be low (0 - 14%) as long as the fish were caught from waters shallower than 44 m. Overton et al. (2008) reported a release mortality rate of 13% for gag held in enclosures.

SEDAR 15 (2008) estimates acute release mortality rates of red snapper to be 90% and 40% for the commercial and recreational fisheries, respectively, in the South Atlantic. Diamond and Burns (2009) report a delayed mortality rate of 64% in red snapper off Texas. A study by Burns *et al.* (2004) conducted on headboats off Florida in the Atlantic and Gulf of Mexico found a release mortality of 64% for red snapper. The majority of acute mortalities in this study (capture depth of 9–42 m) were attributed to hooking (49%), whereas barotrauma accounted for 13.5%. An earlier study by Burns *et al.* (2002), also conducted in the Atlantic and Gulf of Mexico, had similar results, as J-hook mortality accounted for 56% of the acute mortalities of red snapper on headboats. Using tagging data and cage studies, Burns *et al.* (2002) determined the depth at which 50% of the released red snapper would die is 43.7 m (143 feet). SEDAR 15 (2008) indicated red snapper were most often caught at depths of 141 to 190 feet by the recreational sector and 141 to 234 feet by the commercial sector. Rummer and Bennett (2005) reported over 70 different overexpansion injuries related to barotrauma in red snapper, and Wilde (2009) observed reduced survival of this species when vented.

Snowy grouper are primarily caught in water deeper than 300 feet and golden tilefish are taken at depths greater than 540 feet; therefore, release mortality of the species are probably near 100% (SEDAR 4 2004). Tables 4-33 and 4-36 indicate there were fewer golden tilefish, warsaw

grouper, snowy grouper, blueline tilefish, yellowedge grouper, misty grouper, queen snapper, and silk snapper discarded by commercial and recreational fishermen during 2005-2008, when compared with the other species considered in Amendment 17B. Release mortality rates are probably at or near 100% for adult speckled hind and warsaw grouper in deep water. However, juvenile speckled hind and warsaw grouper are also taken in water at the shelf-edge (~165 feet) where some survival of released species could occur. If release mortality rates of juvenile speckled hind and warsaw grouper are similar to gag, some survival (~50%) would be expected at depths of 165 feet (McGovern *et al.* 2005). Therefore, the overall release mortality for these species could be less than 100%. Estimates of release mortality for speckled hind and warsaw grouper will be provided by SEDAR 27, which is scheduled to take place in 2012. 100% release mortality was also assumed for blueline tilefish, yellowedge grouper, misty grouper, and queen snapper. Silk snapper would have high release mortality, but possibly less than 100%. Several recent studies point to the prevalence and severity of deleterious effects of barotrauma encountered by fishes removed from deepwater (Rummer and Bennett 2005; St. John and Syers 2005; Parker *et al.* 2006; Hannah *et al.* 2008, Diamond and Campbell 2009).

Release mortality of black sea bass is considered to be low (15%) (SEDAR 2-SAR 3 2005) indicating minimum size limits are probably an effective management tool for black sea bass. McGovern and Meister (1999) report a recapture rate of 10.2% for 10,462 that were tagged during 1993-1998 suggesting that survival of released black sea bass is high. Rudershausen *et al.* (2007) reported a sub-legal discard rate of 12% for black sea bass. Collins *et al.* (1999) reported venting of the swim bladder yielded reductions in release mortality of black sea bass, and the benefits of venting increased with capture depth. The same study was analyzed by Wilde (2009) to suggest that venting increased the survival of black sea bass, although this was an exception to the general findings of Wilde's (2009) study.

4.8.1.4 Practicability of Management Measures in Directed Fisheries Relative to their Impact on Bycatch and Bycatch Mortality

Vermilion snapper, gag, black sea bass, red grouper, black grouper

Current commercial and recreational regulations for the above shallow water and mid-shelf species are listed in **Section 2** (Tables 2-5 and 2-6, respectively). Vermilion snapper, black sea bass, and red snapper were among the most commonly discarded species in the commercial fishery in recent years (2005-2008, Tables 4-33 and 4-34). In the recreational fishery, 86% black grouper, 85% speckled hind, 84% red snapper, 82% black sea bass, and 79% gag were discarded by private and charter boats (Table 4-35). In the headboat fishery, discard rates were highest in black sea bass and red snapper, followed by vermilion snapper (Table 4-36).

Section 2.4 includes alternatives that would specify ACLs, ACTs, and AMs for vermilion snapper, gag, black sea bass, red grouper, and black grouper. Regulatory discards could increase after a catch limit has been met since fishermen might target co-occurring species. Vermilion snapper are commonly taken on trips where fishermen catch gag, greater amberjack, and gray triggerfish. However, if a catch limit was met, fishermen may be able to avoid areas where restricted species occur or modify methods to reduce the chances of bycatch.

Seasonal and/or longer closures of both commercial and recreational fisheries specified in Amendment 16, which has been implemented, could also reduce bycatch mortality of species included in Amendment 17B. A longer spawning seasonal closure could enhance the reproductive potential of the stock. For example Amendment 16 has established a January – April spawning season closure for gag, red grouper, black grouper, and shallow water grouper species. Gag are in spawning condition from December through April each year. There is some evidence spawning aggregations may be in place before and after a spawning season (Gilmore and Jones 1992). When aggregated, gag are extremely susceptible to fishing pressure since the locations are often well known by fishermen. Gilmore and Jones (1992) showed that the largest and oldest gag in aggregations are the most aggressive and first to be removed by fishing gear. Since gag change sex, larger and older males can be selectively removed. As a result, a situation could occur where there are not enough males in an aggregation to spawn with the remaining females. Furthermore, the largest most fecund females could also be selectively removed by fishing gear. Therefore, a spawning season closure for all shallow water grouper species would be expected to protect grouper species when they are most vulnerable to capture, reduce bycatch of co-occurring grouper species, increase the percentage of males in grouper populations, enhance reproductive success, and increase the magnitude of recruitment. Increased bycatch mortality is accounted for in analyses and overall mortality is expected to decrease over time. Other actions in Amendment 16, which could reduce bycatch of snapper grouper species, include a reduction in the recreational bag limit to 1 gag or black grouper (combined) per day within a grouper aggregate bag limit of 3 fish and the establishment of a commercial quota for gag. When the commercial quota is met, all fishing for or possession of shallow water grouper species will be prohibited.

Unobserved mortality due to predation or trauma associated with capture could be substantial (; Burns *et al.* 1992; Rummer and Bennett 2005; St. John and Syers 2005; Parker *et al*. 2006; Rudershausen *et al.* 2007; Hannah *et al.* 2008, Diamond and Campbell 2009). Amendment 16 includes actions that require the use of dehooking devices, which could help reduce bycatch of vermilion snapper, black sea bass, gag, red grouper, and black grouper. Dehooking devices can allow fishermen to remove hooks with greater ease and more quickly from snapper grouper species without removing the fish from the water. If a fish does need to be removed from the water, dehookers could still reduce handling time in removing hooks, thus increasing survival (Cooke *et al.* 2001).

Golden tilefish, snowy grouper, speckled hind, and warsaw grouper

Sections 2.1 through **2.3** include alternatives that would prohibit fishing for and retention of speckled hind, warsaw grouper, snowy grouper, and other deepwater species (blueline tilefish, yellowedge grouper, misty grouper, queen snapper, and silk snapper). Speckled hind and warsaw grouper occupy a broad depth zone and co-occur with deepwater and mid-shelf species. Juvenile speckled hind and warsaw grouper are commonly taken at the shelf edge with species such as vermilion snapper and gag. Since the populations of speckled hind and warsaw grouper are likely depressed, the numbers of older fish, which are found in deeper water, would be reduced. As populations of speckled hind and warsaw grouper recover and older fish become more established, a greater co-occurrence of these species with other deepwater species like snowy grouper and blueline tilefish would be expected. Therefore, alternatives that would

prohibit fishing for or retention of speckled hind, warsaw grouper, snowy grouper, and deepwater species in the commercial and recreational sectors decrease the chances of overfishing of these species as well as reduce fishing mortality of co-occurring species that could be taken incidentally when targeting species such as snowy grouper.

4.8.2 Ecological Effects Due to Changes in the Bycatch

The ecological effects of bycatch mortality are the same as fishing mortality from directed fishing efforts. If not properly managed and accounted for, either form of mortality could potentially reduce stock biomass to an unsustainable level.

Management alternatives proposed in Snapper Grouper Amendment 17B for vermilion snapper, gag, red grouper, black grouper, golden tilefish, speckled hind, warsaw grouper, snowy grouper and black sea bass could increase the number of regulatory discards. However, alternatives are being considered in Amendment 17B (**Section 2**) that could decrease bycatch.

Overall fishing effort could decrease in the commercial and recreational sectors in response to more restrictive management measures; thereby, reducing the potential for bycatch. Furthermore, some alternatives would prohibit fishing for and retention for speckled hind, warsaw grouper, deepwater grouper species, and snowy grouper, which could decrease discards for target species as well as co-occurring species. Proposed actions include ACLs, ACTs, and AMs for vermilion snapper, gag, red grouper, black grouper, and black sea bass, which have the potential to increase discards. There is also a potential for increased discards with reduced bag limits for snowy grouper and golden tilefish. The extent to which the discards increase would depend on the ability of fishermen to avoid regulated species when a catch limit or bag limit is met and the extent to which effort would shift to other species and fisheries. Reduced fishing pressure would be expected to result in an increase in the mean size/age as well as overall biomass of the species listed in Amendment 17B. Thus ecological changes could occur in the community structure of reef ecosystems through actions that would end overfishing. These ecological changes could affect the nature and magnitude of bycatch of species in Amendment 17B as well as other species. However, many of the species listed in this amendment have spatial and temporal coincidence and the benefits could be shared among them.

Data from North Carolina presented to the Council indicated fishermen with snapper grouper permits also fish in the nearshore gillnet fisheries. Fishermen with snapper grouper permits in other areas also participate in various state fisheries. It is expected that if efforts shift to these fisheries, there could be impacts to protected species. Current monitoring programs will allow NOAA Fisheries Service to track and evaluate any increased risk to protected species. If necessary, an ESA consultation can be re-initiated to address any increased levels of risk to ESA-listed species.

A Limited Access Privilege (LAP) program was under consideration for the snapper grouper fishery that could substantially reduce bycatch by providing fishery participants an incentive to fish efficiently and to better handle their catch to maximize profits. An IFQ program could stabilize markets and prices by allowing catches to be delivered on demand. This would help

fishermen target when they wanted to fish, where they wanted to fish, and which species they wanted to catch thereby reducing bycatch. At the March 2008 meeting, the Council determined this was not the appropriate time to move forward with consideration of a Limited Access Privilege Program for the snapper grouper fishery in the South Atlantic.

The Comprehensive ACL Amendment for species in FMPs not experiencing overfishing could propose additional measures to reduce bycatch in the snapper grouper fishery with the possible establishment of species units. Species grouping would be based on biological, geographic, economic, taxonomic, technical, social, and ecological factors. Each group would be represented by an indicator species that has been recently assessed or is scheduled for a SEDAR assessment in the future. Amendment 14 is currently in place, which establishes Marine Protected Areas, and could also reduce bycatch of species in Amendment 17B.

4.8.3 Changes in the Bycatch of Other Fish Species and Resulting Population and Ecosystem Effects

Some proposed actions such as a decrease in the bag limit for snowy grouper and golden tilefish could increase discards unless there was an associated reduction in recreational effort. Amendment 17B includes alternatives that could close commercial and recreational fisheries for snowy grouper, speckled hind, warsaw grouper, and deepwater species (snowy grouper, speckled hind, golden tilefish, and warsaw grouper). Since commercial/recreational closure for these deepwater species could overlap with other co-occurring species (misty grouper, yellowedge grouper, blueline tilefish, queen snapper, and silk snapper), there could be substantial reductions in bycatch and fishing mortality.

More restrictive management measures proposed in Amendment 17B could result in an effort shift to other species and fisheries causing a change in the magnitude of harvest and number of discards in those fisheries. Reduced fishing pressure on species in this amendment would be expected to result in an increase in the mean size and age. In addition, biomass and the percentage of males for grouper species would be expected to increase. The relative abundance, size structure, and age structure of other species in reef communities could be expected to change in response to reduced fishing pressure on species in Amendment 17B as well as potential shifts in effort. Thus, ecological changes could occur in the community structure of reef ecosystems through the proposed actions. These ecological changes could affect the nature and magnitude of bycatch over time.

4.8.4 Effects on Marine Mammals and Birds

Under Section 118 of the Marine Mammal Protection Act (MMPA), NMFS must publish, at least annually, a List of Fisheries (LOF) that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. Of the gear utilized within the snapper grouper fishery, only the black sea bass pot is considered to pose an entanglement risk to large whales. The southeast U.S. Atlantic black sea bass pot fishery is included in the grouping of the Atlantic mixed species trap/pot fisheries, which the 2010 List of Fisheries classifies as a Category II (74 FR 27739; June 11,

2009). Gear types used in these fisheries are determined to have occasional incidental mortality and serious injury of marine mammals. For the snapper grouper fishery, the best available data on protected species interactions are from the Southeast Fisheries Science Center (SEFSC) Supplementary Discard Data Program (SDDP) initiated in July of 2001 and sub-samples 20% of the vessels with an active permit. Since August 2001, only three interactions with marine mammals have been documented; each was taken by handline gear and each released alive (McCarthy SEFSC database). The bottom longline/hook-and-line component of the South Atlantic snapper grouper fishery remains a Category III under the LOF.

Although the black sea bass pot fishery can pose an entanglement risk to large whales due to their distribution and occurrence, sperm, fin, sei, and blue whales are unlikely to overlap with the black sea bass pot fishery operated within the snapper grouper fishery since it is executed primarily off North Carolina and South Carolina in waters ranging from 70-120 feet deep (21.3-36.6 meters). There are no known interactions between the black sea bass pot fishery and large whales. NOAA Fisheries Service's biological opinion on the continued operation of the South Atlantic snapper grouper fishery determined the possible adverse effects resulting from the fishery are extremely unlikely. Thus, the continued operation of the snapper grouper fishery in the southeast U.S. Atlantic EEZ is not likely to adversely affect sperm, fin, sei, and blue whales (NMFS 2006).

North Atlantic right and humpback whales may overlap both spatially and temporally with the black sea bass pot fishery. Recent revisions to the Atlantic Large Whale Take Reduction Plan have folded the Atlantic mixed species trap/pot fisheries into the plan (72 FR 193; October 5, 2007). The new requirements will help further reduce the likelihood of North Atlantic right and humpback whale entanglement in black sea bass pot gear.

The Bermuda petrel and roseate tern occur within the action area. Bermuda petrels are occasionally seen in the waters of the Gulf Stream off the coasts of North and South Carolina during the summer. Sightings are considered rare and only occurring in low numbers (Alsop 2001). Roseate terns occur widely along the Atlantic coast during the summer but in the southeast region, they are found mainly off the Florida Keys (unpublished USFWS data). Interaction with fisheries has not been reported as a concern for either of these species.

Fishing effort reductions have the potential to reduce the amount of interactions between the fishery and marine mammals and birds. Although, the Bermuda petrel and roseate tern occur within the action area, these species are not commonly found and neither has been described as associating with vessels or having had interactions with the snapper grouper fishery. Thus, it is believed that the snapper grouper fishery is not likely to negatively affect the Bermuda petrel and the roseate tern.

4.8.5 Changes in Fishing, Processing, Disposal, and Marketing Costs

Management alternatives in Snapper Grouper Amendment 17B would be expected to affect the cost of fishing operations. It is likely that all four states (NC, SC, GA & FL) would be affected by the regulations (closures, ACLs, etc.) and the variety/number of species included in this

Amendment. North Carolina, South Carolina, and the Florida Keys will have higher significant effects when compared with those in Georgia through Southeast Florida (Figures 17a and 17b).

Additionally, factors such as waterfront property values, availability of less expensive imports, etc. may affect economic decisions made by recreational and commercial fishermen.

Amendment 18 (under development) proposes to enhance current data collection programs. This might provide more insight in calculating the changes in fishing, processing, disposal and marketing costs.

4.8.6 Changes in Fishing Practices and Behavior of Fishermen

Management regulations proposed in Snapper Grouper Amendment 17B could result in a modification of fishing practices by commercial and recreational fishermen, thereby affecting the magnitude of discards. There is a potential for increased discards with reduced bag limits for snowy grouper and golden tilefish. Prohibiting take of deepwater species as well as closed areas to protect red snapper being proposed in Amendment 17A would be expected to provide a substantial decrease in bycatch. Furthermore, closed seasons, new or reduced quotas, reduced bag limits, and increased size limits could cause some commercial and recreational fishermen to reduce effort. However, it is difficult to quantify any of the measures in terms of reducing discards until the magnitude of bycatch has been monitored over several years.

4.8.7 Changes in Research, Administration, and Enforcement Costs and Management Effectiveness

Research and monitoring is needed to understand the effectiveness of proposed management measure in reducing bycatch. Additional work is needed to determine the effectiveness of measures in Amendment 16 and by future actions being proposed by the Council to reduce bycatch. Amendment 18 is being developed, which proposes to enhance current data collection programs. Some observer information has recently been provided by MARFIN and Cooperative Research Programs but more is needed. Approximately 20% of commercial fishermen are asked to fill out discard information in logbooks; however, a greater percentage of fishermen could be selected with emphasis on individuals that dominate landings. Furthermore, the use of electronic logbooks could be enhanced to enable fishery managers to obtain information on species composition, size distribution, geographic range, disposition, and depth of fishes that are released. Additional administrative and enforcement efforts will be needed to implement and enforce these regulations.

4.8.8 Changes in the Economic, Social, or Cultural Value of Fishing Activities and Non-Consumptive Uses of Fishery Resources

Preferred management measures, including those that are likely to increase or decrease discards could result in social and/or economic impacts as discussed in Section 4.

4.8.9 Changes in the Distribution of Benefits and Costs

Attempts were made to ensure reductions provided by preferred management measures are equal in the commercial and recreational sectors. The extent to which these management measures will increase or decrease the magnitudes of discards is unknown. Proposed closures for deepwater species as well as area closures for red snapper proposed in Amendment 17A are likely to provide substantial decreases in bycatch. Some measures specified in Amendment 16, such as the requirement for dehooking devices, a recreational/commercial seasonal closure for gag, reduction of recreational bag limits, and closing all shallow water groupers when a gag quota is met or during a gag seasonal closure could help to reduce bycatch. It is likely that some proposed management measures such as bag limits for snowy grouper and golden tilefish could increase the number of discards. However, this depends on if fishermen shift effort to other species, seasons, or fisheries and if effort decreases in response to more restrictive management measures as well as changes in community structure and age/size structures that could result from ending overfishing.

4.8.10 Social Effects

The social effects of all the management measure, including those most likely to reduce bycatch, are described in **Section 4**.

4.8.11 Conclusion

This section evaluates the practicability of taking additional action to minimize bycatch and bycatch mortality in the South Atlantic snapper grouper fishery using the ten factors provided at 50 CFR 600.350(d)(3)(i). In summary, proposed closures for deepwater species could provide decreases in bycatch of Snapper Grouper Amendment 17B species and also co-occurring species. The requirement of dehooking devices, a recreational/commercial seasonal closure for gag, reduction of recreational bag limits, and closing all shallow water groupers when a gag quota is met or during a gag seasonal closure specified in Amendment 16 (approved by the Secretary) could also help to reduce bycatch. It is likely that some management measures such as bag limits for snowy grouper and golden tilefish could increase the number of discards. However, this depends on if fishermen shift effort to other species, seasons, or fisheries and if effort decreases in response to more restrictive management measures as well as changes in community structure and age/size structures that could result from ending overfishing. Furthermore, overall fishing effort could decrease in the commercial and recreational sectors in response to more restrictive management measures, thereby reducing the potential for bycatch.

There is likely to be an interactive effect of the preferred management measures in Snapper Grouper Amendment 17B on bycatch of species addressed in the amendment with associated species in reef ecosystems. Closures for multiple deep water species such as snowy grouper and blueline tilefish is likely to decrease the incentive to target any deepwater species and reduce bycatch. Furthermore, area prohibitions to protect red snapper would eliminate bycatch of red snapper and co-occurring species. Reduced fishing pressure on species in Amendment 17B would be expected to result in an increase in the mean size/age of affected species. In addition, an increase would be expected in the percentage of male groupers and population biomass. Overlapping seasonal closures for red porgy, greater amberjack, mutton snapper, gag, shallow water groupers and vermilion snapper with proposed actions in this amendment could be

expected to reduce bycatch and fishing mortality of many co-occurring species. The relative abundance, size structure, and age structure of other species in reef communities could be expected to change in response to reduced fishing pressure on species in Amendment 17B as well as potential shifts in effort. Thus, ecological changes could occur in the community structure of reef ecosystems through actions that would end overfishing. These ecological changes could affect the nature and magnitude of bycatch over time.

Additional measures to reduce bycatch in the snapper grouper fishery are being developed. The Comprehensive ACL Amendment could propose measures to reduce bycatch in the snapper grouper fishery including species grouping based on biological, geographic, economic, taxonomic, technical, social, and ecological factors. Each group could be represented by an indicator species, which has been recently assessed or is scheduled for a SEDAR assessment in the future.

4.9 Unavoidable Adverse Effects

There are several unavoidable adverse effects on the socioeconomic environment that may result from the implementation of Amendment 17B. A brief summary of those effects follows.

For speckled hind and warsaw grouper **Alternative 4 (Preferred)** is expected to reduce net operating revenues in the snapper-grouper fishery by about $292,000 or by 3.3 percent (Figures 4-6a and 4-6b). The effects of this alternative are expected to be slightly smaller than those of **Alternative 3**. The expected reductions in net operating revenues would be incurred primarily by boats that fish with vertical lines (Figure 4-6a), although boats with longlines would incur greater losses in percentage terms (Figure 4-6b). Vessels that use bottom longline gear are expected to incur losses that average approximately 11.5 percent of base net operating revenues. Net operating revenues for boats in North Carolina are predicted to decline by an average of 7.2 percent per year, while net operating revenues for boats in the Keys are predicted to decline by approximately 3.9 percent per year compared to the no-action alternative.

For golden tilefish the simulation model predicts that these reductions in commercial catch limits would generate an overall reduction in net operating revenues that ranges from approximately $3,500 to $12,500 or less than 0.15 percent to the entire snapper-grouper fishery (Figures 4-9a and 4-9b).). Boats that use bottom longlines are predicted to lose 35 percent and 36 percent of baseline net operating revenues, respectively. Although commercial landings of golden tilefish would decline by approximately 50 percent, the expected reductions in dockside revenues would be partially offset by lower operating costs as fewer trips would be taken. Losses would be incurred primarily by longline boats in central Florida and South Carolina (Figures 4-10a and 4-10b).

For black grouper, red grouper, gag, vermilion snapper, and black sea bass, the aggregate catch limit for gag, red grouper and black grouper in **Alternative 2b (Preferred)** is expected to reduce commercial net operating revenues by slightly more than $100,000 per year, or only 1.2 percent of the predicted base net operating revenues for Amendment 17B (Figures 4-12a, 4-12b). These results are expectations based on the four-year average with data from 2005-2008. If fishing and

regulatory conditions in the near future closely resemble conditions in 2007, then the simulation model predicts that net operating revenues would decline by about $177,000 or 2.0 percent compared to baseline conditions. If conditions in the near future were similar to conditions in 2008, then the model predicts that net operating revenues would decline by $236,000 or 2.4 percent. The adverse economic effects on the recreational sector would be immediate under **Alternative 5b (Preferred)** once the ACL is projected to be met in the current year. ACL reductions in subsequent years could trigger larger adverse economic effects. Considering that projections may be inaccurate, a fishery closure under **Alternative 5b (Preferred)** could unduly penalize the recreational sector. Of course, this could also mean that ACL adjustments in the following year would not result in more severe economic effects. A reverse condition would ensue if the projection inaccuracy were to lead to overharvest of any of the subject species in the current year. Although a fishery closure, in terms of fixed shortened season under **Alternative 5a** or variable shortened season under **Alternative 5b (Preferred)**, would not necessarily result in fishing trip cancellations, benefits would still be negatively affected due to increased fishing costs or reduced quality of fishing. In addition, both sub-alternatives would likely have distributional implications across the various fishing modes likely in proportion to the importance of a species to a particular fishing mode. For example, black sea bass is heavily dominated by the shore/private/rental mode whereas vermilion snapper is dominated largely by headboats (see Table 3-49), thus the adverse economic effects would be more on shore/private/rental mode with respect to black sea bass but more on headboats with respect to vermilion snapper.

4.10 Effects of the Fishery on the Environment

The biological impacts of the proposed actions are described in Section 4.0, including impacts on habitat. No actions proposed in this amendment are anticipated to have any adverse impact on EFH or EFH-HAPCs for managed species including species in the snapper grouper complex. Any additional impacts of fishing on EFH identified during the public hearing process will be considered, therefore the Council has determined no new measures to address impacts on EFH are necessary at this time. The Councils adopted habitat policies, which may directly affect the area of concern, are available for download through the Habitat/Ecosystem section of the Council's website: http://map.mapwise.com/safmc/Default.aspx?tabid=56.

NOTE: The Final EFH Rule, published on January 17, 2002, (67 FR 2343) replaced the interim Final Rule of December 19, 1997 on which the original EFH and EFH-HAPC designations were made. The Final Rule directs the Councils to periodically update EFH and EFH-HAPC information and designations within fishery management plans. As was done with the original Habitat Plan, a series of technical workshops were conducted by Council habitat staff and a draft plan that includes new information has been completed pursuant to the Final EFH Rule.

4.10 Damage to Ocean and Coastal Habitats

The alternatives and proposed actions are not expected to have any adverse effect on the ocean and coastal habitat.

Management measures implemented in the original Snapper Grouper Fishery Management Plan through Amendment 7 combined have significantly reduced the impact of the snapper grouper fishery on EFH. The Council has reduced the impact of the fishery and protected EFH by prohibiting the use of poisons and explosives; prohibiting use of fish traps and entanglement nets in the EEZ; banning use of bottom trawls on live/hard bottom habitat north of Cape Canaveral, Florida; restricting use of bottom longline to depths greater than 50 fathoms north of St. Lucie Inlet; and prohibiting use of black sea bass pots south of Cape Canaveral, Florida. These gear restrictions have significantly reduced the impact of the fishery on coral and live/hard bottom habitat in the South Atlantic Region.

Additional management measures in Amendment 8 (SAFMC 1997), including specifying allowable bait nets and capping effort, have protected habitat by making existing regulations more enforceable. Establishing a controlled effort program limited overall fishing effort and to the extent there is damage to the habitat from the fishery (e.g. black sea bass pots, anchors from fishing vessels, impacts of weights used on fishing lines and bottom longlines), limited such impacts.

In addition, measures in Amendment 9 (SAFMC 1998b), that include further restricting longlines to retention of only deepwater species and requiring that black sea bass pot have escape panels with degradable fasteners, reduce the catch of undersized fish and bycatch and ensure that the pot, if lost, will not continues to "ghost" fish. Amendment 13C (SAFMC 2006) increased mesh size in the back panel of pots, which has reduced bycatch and retention of undersized fish. Amendment 15B (SAFMC 2008b), which has been submitted for review by the Secretary of Commerce includes an action that would implement sea turtle bycatch release equipment requirements, and sea turtle and smalltooth sawfish handling protocols and/or guidelines in the permitted commercial and for-hire snapper grouper fishery.

Amendment 16 (SAFMC 2008c), includes an action, which is intended to reduce bycatch by requiring fishermen use venting tools and dehooking devices. Limiting the overall fishing mortality reduces the likelihood of over-harvesting of species with the resulting loss in genetic diversity, ecosystem diversity, and sustainability.

Measures adopted in the Coral and Shrimp FMPs have further restricted access by fishermen that had potential adverse impacts on essential snapper grouper habitat. These measures include the designation of the *Oculina* Bank HAPC and the Rock Shrimp closed area (see the Shrimp and Coral FMP/Amendment documents for additional information).

The Council's Comprehensive Habitat Amendment (SAFMC 1998b) contains measures that expanded the *Oculina* Bank HAPC and added two additional satellite HAPCs. Amendment 14 (SAFMC 2007), established marine protected areas where fishing for or retention of snapper grouper species would be prohibited.

4.11 Relationship of Short-Term Uses and Long-Term Productivity

The relationship between short-term uses and long-term productivity will be affected by this amendment. The proposed actions could restrict the harvest of gag, vermilion snapper, black sea bass, snowy grouper, golden tilefish, black grouper, red grouper, speckled hind, and warsaw grouper in the short-term for both the commercial and recreational sectors of the fishery. However, reductions in harvest are expected to benefit the long-term productivity of these species.

4.12 Irreversible and Irretrievable Commitments of Resources

Irreversible commitments are defined as commitments that cannot be reversed, except perhaps in the extreme long-term, whereas irretrievable commitments are lost for a period of time. There are no irreversible commitments for this amendment. While the proposed actions would result in irretrievable losses in consumer surplus and angler expenditures, failing to take action would compromise the long-term sustainability of the stocks.

Since the Snapper Grouper FMP and its implementing regulations are always subject to future changes, proceeding with the development of Amendment 1B7 does not represent an irreversible or irretrievable commitment of resources. NOAA Fisheries Service always has discretion to amend its regulations and may do so at any time, subject to the Administrative Procedures Act.

4.13 Monitoring and Mitigation Measures

The proposed actions would adversely affect immediate, short-term net revenues of some commercial and for-hire fishermen in the South Atlantic. The proposed actions would also adversely affect short-term consumer surplus of some recreational anglers in the South Atlantic and may result in cancelled trips and reduced expenditures to the fishery and associated industries. However, it is anticipated reductions in fishing pressure, which will reduce the likelihood that these stocks will be declared overfished, will assist in restoring the size and age structure to more natural conditions and allow stock biomass to increase to more sustainable and productive levels. As a result, the amount of fish that can be harvested should increase as the stocks rebuild. The short-term, adverse effects of ending overfishing can be mitigated to some degree by the type of regulations the Council selects to manage reduced catch levels. The Council's preferred alternatives contain those measures that are believed to best mitigate the unavoidable, short-term, adverse effects of ending overfishing.

4.14 Unavailable or Incomplete Information

The Council on Environmental Quality, in its implementing regulations for the National Environmental Policy Act, addressed incomplete or unavailable information at 40 CFR 1502.22 (a) and (b). That direction has been considered. There are two tests to be applied: 1) Does the

incomplete or unavailable information involve "reasonable foreseeable adverse effects…;" and 2) is the information about these effects "essential to a reasoned choice among alternatives…".

Stock assessments have been conducted on vermilion snapper, gag, black sea bass, snowy grouper, and golden tilefish using the best available data available. Status determinations for these species were derived from the SEDAR process, which involves a series of three workshops designed to ensure each stock assessment reflects the best available scientific information. The findings and conclusions of each SEDAR workshop are documented in a series of reports, which are ultimately reviewed and discussed by the Council and their SSC. SEDAR participants, the Council advisory committees, the Council, and NMFS staff reviewed and considered any concerns about the adequacy of the data. **Section 4.10** lists data needs that resulted from these assessments. The Council's SSC determined that the assessments were based on the best available data.

The Council's Snapper Grouper Committee acknowledged, while stock assessment findings are uncertain, there is no reason to assume such uncertainty leads to unrealistically optimistic conclusions about stock status. Rather, the stocks could be in worse shape than indicated by the stock assessment. Uncertainty due to unavailable or incomplete information should not be used as a reason to avoid taking action. Therefore, there are reasonable foreseeable significant adverse effects of not taking action to end overfishing. Failure to take action could result in a worsening of stock status, persistent foregone economic benefits, and more severe corrective actions to end overfishing in the future.

Where information is unavailable or incomplete, such as is the case with estimates of dead discards that could occur when a species is incidentally caught during a seasonal closure or after a quota is met, management measures have been designed to adopt a conservative approach to increase the probability overfishing does not occur.

5 Regulatory Impact Review

5.1 Introduction

The NOAA Fisheries Service requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The RIR does three things: (1) it provides a comprehensive review of the level and incidence of impacts associated with a proposed or final regulatory action; (2) it provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problem; and, (3) it ensures that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost-effective way. The RIR also serves as the basis for determining whether the proposed regulations are a "significant regulatory action" under the criteria provided in Executive Order (E.O.) 12866 and provides information that may be used in conducting an analysis of impacts on small business entities pursuant to the Regulatory Flexibility Act (RFA). This RIR analyzes the expected impacts that this action would be expected to have on the commercial and recreational snapper grouper fisheries. Additional details on the expected economic effects of the various alternatives in this action are included in **Section 4.0** and are incorporated herein by reference.

5.2 Problems and Objectives

The purpose and need, issues, problems, and objectives of the proposed amendment are presented in **Section 1.0** and are incorporated herein by reference. In summary, the purpose of this amendment is establish ACLs and AMs for 9 species subject to overfishing pursuant to Magnuson-Stevens Act requirements, and update the framework procedure for the FMP to include ACLs, ACTs, and AMs. These measures are expected to aid in the prevention of overfishing and the achievement of OY from the South Atlantic snapper grouper fishery.

5.3 Methodology and Framework for Analysis

This RIR assesses management measures from the standpoint of determining the resulting changes in costs and benefits to society. To the extent practicable, the net effects of the proposed measures are stated in terms of producer and consumer surplus, changes in profits, employment in the direct and support industries, and participation by charter boat fishermen and private anglers. In addition, the public and private costs associated with the process of developing and enforcing regulations on fishing for snapper grouper in waters of the U.S. South Atlantic are provided.

5.4 Description of the Fishery

A description of the South Atlantic snapper grouper fishery is contained in **Section 3.4** and is incorporated herein by reference.

5.5 Impacts of Management Measures

Details on the economic impacts of all alternatives are included in Section 4 and are included herein by reference. The following discussion includes only the expected impacts of the preferred alternatives.

5.5.1 Speckled Hind and Warsaw Grouper

Commercial

Overall, **Alternative 4 (Preferred)** is expected to reduce net operating revenues in the snapper-grouper fishery by about $292,000 or by 3.3 percent (Figures 4-6a and 4-6b). The expected reductions in net operating revenues would be incurred primarily by boats that fish with vertical lines (Figure 4-6a), although boats with longlines would incur greater losses in percentage terms (Figure 4-6b). Vessels that use bottom longline gear are expected to incur losses that average approximately 11.5 percent of base net operating revenues. Net operating revenues for boats in North Carolina are predicted to decline by an average of 7.2 percent per year, while net operating revenues for boats in the Keys are predicted to decline by approximately 3.9 percent per year compared to the no-action alternative.

Recreational

By allowing harvest, possession, and retention of deepwater species within a depth of 240 feet, **Alternative 4 (Preferred)** would provide lower negative economic effects than **Alternative 3**. The magnitude of differential economic effects would depend on the level of recreational activities for the deepwater species in the open areas. This amount cannot be estimated with available information. In the same manner, **Alternative 5** would result in less negative economic effects than **Alternative 3** and **Alternative 4 (Preferred)**, but the differential effects cannot be estimated.

To provide some insights into the possible magnitude of the short-run economic losses, changes to consumer surplus and net operating revenues, in 2009 dollars, are presented in Table 4-12. The same methodology described in Amendment 17A is used for the current purpose. A value of $80 per angler trip, per kept fish is used for consumer surplus, $128 per angler trip for charterboat net operating revenue, and $68 per angler trip for headboat net operating revenue. Total economic effects of **Alternative 3** would range from about $5.7 million, if effects on headboats were excluded, to $5.8 million if effects on headboats are included. When including the effects on headboats, the total economic effects may be considered overestimates of the true effects. **Alternative 2** would result in significantly lower short-run economic effects than those presented in the table. In addition, the economic effects of **Alternative 4 (Preferred)** would be lower than those of **Alternative 3** but higher than those of **Alternative 2**. Also, the economic effects of **Alternative 5** would be less than those of **Alternative 4 (Preferred)**, but possibly greater than those of **Alternative 2**. The effects of these other alternatives cannot be quantified

with available information. To the extent that we assign the value of all catches to target trips, the estimated change in consumer surplus would likely be overestimates of the economic effects of **Alternative 3**. This is due to the resulting higher average kept rates per angler per trip.

5.5.2 Golden Tilefish Allocations

Commercial

Economic impacts on the commercial fishery for the preferred golden tilefish allocation alternative are included in the economic impacts discussion of the preferred golden tilefish ACL alternative (Section 5.5.3). And is hereby incorporated by reference.

Recreational

Economic impacts on the commercial fishery for the preferred golden tilefish allocation alternative are included in the economic impacts discussion of the preferred golden tilefish ACL alternative (Section 5.5.3). And is hereby incorporated by reference.

5.5.3 Golden Tilefish ACLs

Commercial

The reductions are approximately 5 percent or less for most management scenarios and range from 3,600 lbs (1.2 percent) for the scenario with allocation **Alternative 3 (Preferred)** and ACL **Alternative 1 (Status Quo)** to a 15,100 lb reduction (5.1 percent) for allocation **Alternative 2** and ACL **Alternative 2 (Preferred)**. The simulation model predicts that these reductions in commercial catch limits would generate an overall reduction in net operating revenues that ranges from approximately $3,500 to $12,500 or less than 0.15 percent to the entire snapper-grouper fishery (Figures 4-9a and 4-9b). The commercial catch limit would decline by 144,800 pounds (49 percent) with ACL **Alternative 1 (Status Quo)** and by 149,200 lbs (50.6 percent) with ACL **Alternative 2 (Preferred)**. Net operating revenues for the entire commercial snapper-grouper fishery are predicted to decline by approximately $200,000 or 2.3 percent and $207,000 or 2.4 percent for these scenarios (Figures 4-9a and 4-9b). Boats that use bottom longlines are predicted to lose 35 percent and 36 percent of baseline net operating revenues, respectively. Although commercial landings of golden tilefish would decline by approximately 50 percent, the expected reductions in dockside revenues would be partially offset by lower operating costs as fewer trips would be taken. Losses would be incurred primarily by longline boats in central Florida and South Carolina (Figures 4-10a and 4-10b).

Recreational

Given the various allocation alternatives, the recreational ACL would be equivalent to 10,092 pounds whole weight (9,011 pounds gutted weight), 13,457 pounds whole weight (12,015 pounds gutted weight), or 168,213 pounds whole weight (150,190 gutted weight). Based on 2003-2007 average recreational landings of 68 thousand pounds (Table 3-49), the two low recreational ACLs would likely be exceeded even if landings were averaged over a number of

years. It is likely that implementation of an AM would increasingly shorten the fishing season over the years. The high ACL, on the other hand, is very unlikely to be exceeded, and thus would afford the recreational sector more opportunities to derive more economic benefits from the fishery. Under **Alternative 2 (Preferred)**, the recreational ACL of 10,092 pounds would be met sometime in May and the ACL of 13,457 would be reached in early June. As noted earlier, the ACL of 168,213 pounds would unlikely be met.

5.5.4 Snowy Grouper

Commercial

If the shared ACL results in the commercial sector harvesting more than the 82,900 pounds allowed under **Alternatives 1 (Status Quo)** and **2 (Preferred)**, the commercial sector would benefit in the short-term up to $13,541 in ex-vessel revenues (4,354 pounds). If the commercial sector harvests less than 82,900 pounds allowed under **Alternatives 1 (Status Quo)** and **2 (Preferred)**, then the commercial sector will experience negative short-term economic effects, the amount of which depends on how much less is harvested. Either scenario could result in a shorter season than that experienced under **Alternatives 1 (Status Quo)** and **2 (Preferred)**. There would be long-term positive economic effects for the commercial fishery due to implementation of an AM for the recreational fishery, assuming the recreational catch can be accurately monitored.

Recreational

Under **Alternative 2 (Preferred)**, the recreational sector would remain open all year long. However, if the monthly landings distribution in 2007 persisted into the future, the recreational ACL of about 5,192 pounds whole weight would be reached in July. Implementation of AM would shorten the following year's season, with the closure possibly commencing in August.

5.5.5 Black grouper, black sea bass, gag, red grouper, and vermilion snapper

Commercial

The aggregate catch limit for gag, red grouper and black grouper in **Alternative 2b (Preferred)** is expected to reduce commercial net operating revenues by slightly more than $100,000 per year, or only 1.2 percent of the predicted base net operating revenues for Amendment 17B (Figures 4-12a, 4-12b). If fishing and regulatory conditions in the near future closely resemble conditions in 2007, then the simulation model predicts that net operating revenues would decline by about $177,000 or 2.0 percent compared to baseline conditions. If conditions in the near future were similar to conditions in 2008, then the model predicts that net operating revenues would decline by $236,000 or 2.4 percent.

Recreational

Assuming a gag ACL per Amendment 16, **Alternative 2a** would imply species-specific implementation of AMs while **Alternative 2b (Preferred)** would trigger an AM implementation for all three stocks. It is then possible that under **Alternative 2a** the economic effects of AMs would be limited to one or two fisheries whereas those effects could affect all three fisheries under **Alternative 2b (Preferred)**. Indeed, fishers would have more flexibility in adjusting their activities under **Alternative 2b (Preferred)** so as not trigger or at least to delay the implementation of AMs.

Alternative 4 (Preferred) would appear to provide more stability in the estimation of harvests vis-à-vis the chosen ACL, since there is a good deal of year to year variations in recreational harvests of the subject five species. One year of high harvests due to a variety of reasons could trigger AM implementation when there is actually a downward trend in harvest, or conversely a year of very low harvest would not trigger AM implementation when in fact there is an upward trend in harvest, particularly if this trend is brought about by increasing effort. It would appear then that averaging of harvests over a range of years would potentially allow consideration of both short-term and long-term economic effects. The adverse economic effects on the recreational sector would be immediate under **Alternative 5b (Preferred)** once the ACL is projected to be met in the current year. ACL reductions in subsequent years could trigger larger adverse economic effects. Considering that projections may be inaccurate, a fishery closure under **Alternative 5b (Preferred)** could unduly penalize the recreational sector. Of course, this could also mean that ACL adjustments in the following year would not result in more severe economic effects. A reverse condition would ensue if the projection inaccuracy were to lead to overharvest of any of the subject species in the current year.

5.5.6 Update the framework procedure for specification of Total Allowable Catch (TAC) for the Snapper Grouper Fishery Management Plan (FMP) to incorporate Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and Accountability Measures (AMs).

Commercial and Recreational

There is likely to be no direct economic impacts resulting from **Alternative 2 (Preferred)** since it is expected that the changes that will occur are simply changes in terminology. However, the action will enable framework actions to be implemented more quickly than actions through the amendment process since they require less public and Council participation. Eliminating these time-consuming factors would enable harvest modifications to be expedited when they are most needed and this could improve management of the stocks and indirectly increase long-term economic benefits.

5.6 Public and Private Costs of Regulations

The preparation, implementation, enforcement, and monitoring of this or any Federal action involves the expenditure of public and private resources which can be expressed as costs associated with the regulations. Costs associated with this amendment include:

Council costs of document preparation, meetings, public hearings, and information dissemination…….. $200,000

NOAA Fisheries administrative costs of document preparation, meetings and review $200,000

Annual law enforcement costs.....unknown

TOTAL $400,000

Law enforcement currently monitors regulatory compliance in these fisheries under routine operations and does not allocate specific budgetary outlays to these fisheries, nor are increased enforcement budgets expected to be requested to address components of this action. In practice, some enhanced enforcement activity might initially occur while the fishery becomes familiar with the new regulations. However, the costs of such enhancements cannot be forecast. Thus, no specific law enforcement costs can be identified.

5.7 Summary of Economic Impacts

Previous sections compared the effects of proposed alternatives within each Action by assuming the No-Action alternative for other Actions. This section compares the joint effects of the Council's preferred alternatives for all Actions with the No-Action alternative for Amendment 17B. At the conclusion of the Council's meeting in September 2009, the preferred alternatives included **Alternative 4 (Preferred)** for speckled hind and warsaw grouper, **Alternative 3 (Preferred)** for tilefish allocation, **Alternative 2 (Preferred)** for golden tilefish total allowable catch, and **Alternative 2b (Preferred)** for the red grouper and black grouper ACL. The respective status quo alternatives include the simulated effects on the commercial fishery of Amendments 13C and 16.

An important characteristic of the commercial snapper-grouper fishery is that fishermen usually catch more than one species on the same trip. If two or more proposed regulations affect different species that generally are landed on the same trips, then it is possible that their joint effects could differ from the sum of the effects for each regulation considered separately.

This is not the case for Amendment 17B, which considers additional management for three relatively distinct portions of the snapper-grouper fishery. The proposed management alternatives for speckled hind and warsaw grouper primarily would affect deepwater species and have little effect on trips that land shallow water groupers or tilefish. The proposed alternatives for red grouper and black grouper primarily would affect trips with shallow water groupers and have little effect on trips that land deep water species or tilefish. Similarly, the proposed alternatives for tilefish primarily would affect trips for tilefish and have little effect on trips that

land shallow water groupers or the deep water species. As a result, the effect of the preferred alternatives when evaluated simultaneously is approximately equal to the sum of the effects of each preferred alternative when evaluated separately.

Average annual net operating revenues to boat owners and crew after deducting trip costs would decline from $8.78 million in constant 2008 dollars to approximately $8.38 million with the preferred management alternatives for speckled hind, warsaw grouper, tilefish, red grouper and black grouper. The average annual difference of -$0.40 million between the Status Quo and Preferred management scenarios represents a 4.6% average annual short-term economic loss that would be incurred by the commercial snapper-grouper fishery. Actual losses would vary annually depending on economic, biological and environmental conditions. For example, the expected losses of $0.80 million (an 8.2% loss compared to Status Quo) with fishing conditions as characterized in 2008 would be approximately twice the average annual loss of $0.40 million, whereas the predicted losses of approximately $0.15 million (a 1.9% loss compared to Status Quo) with fishing conditions as characterized in 2005 would be approximately half the average (Figures 15a and 15b).

Figure 15a. Predicted change in commercial net operating revenues by year for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

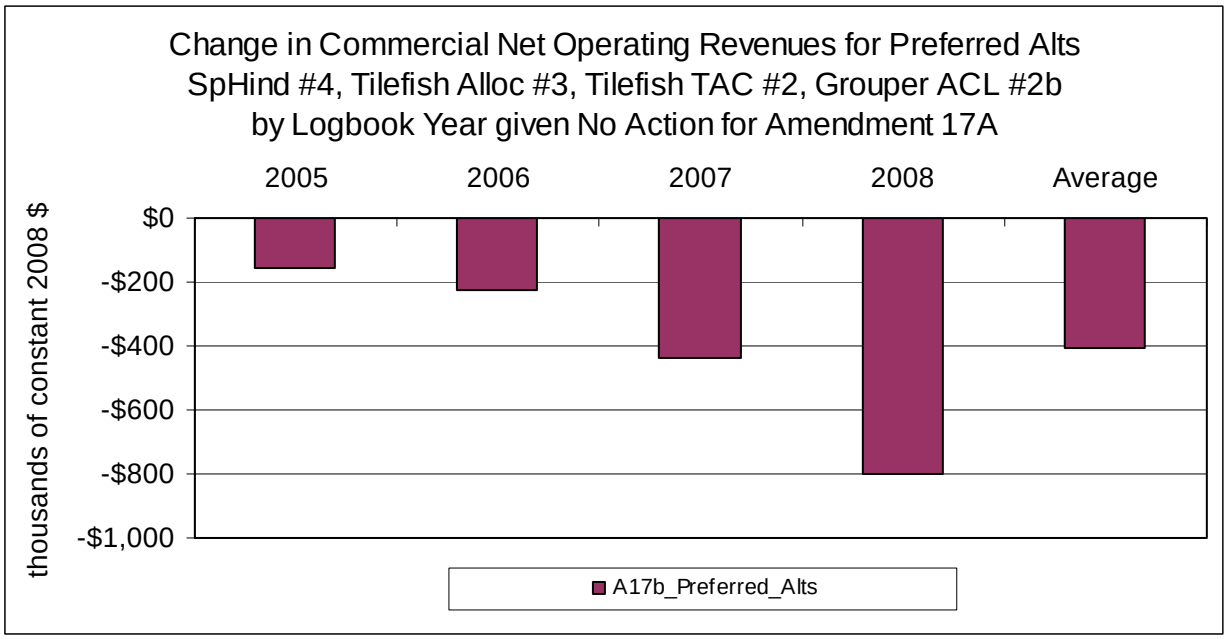


Figure 15b. Predicted percentage change in commercial net operating revenues by year for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

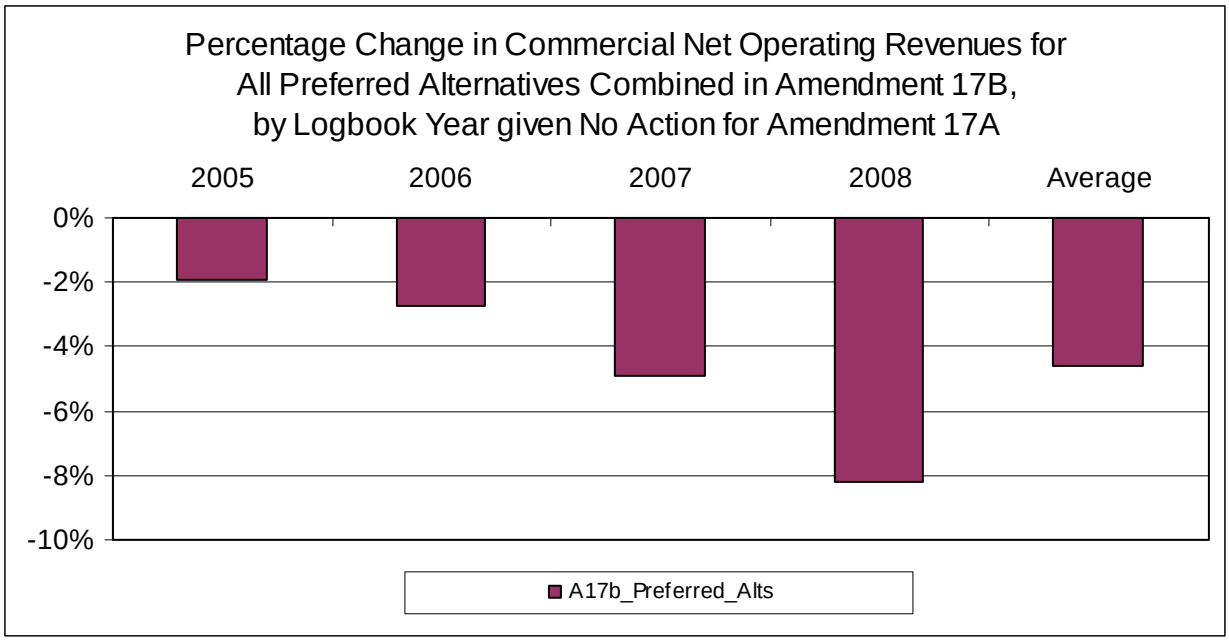


Figure 16a. Predicted change in commercial net operating revenues by gear for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

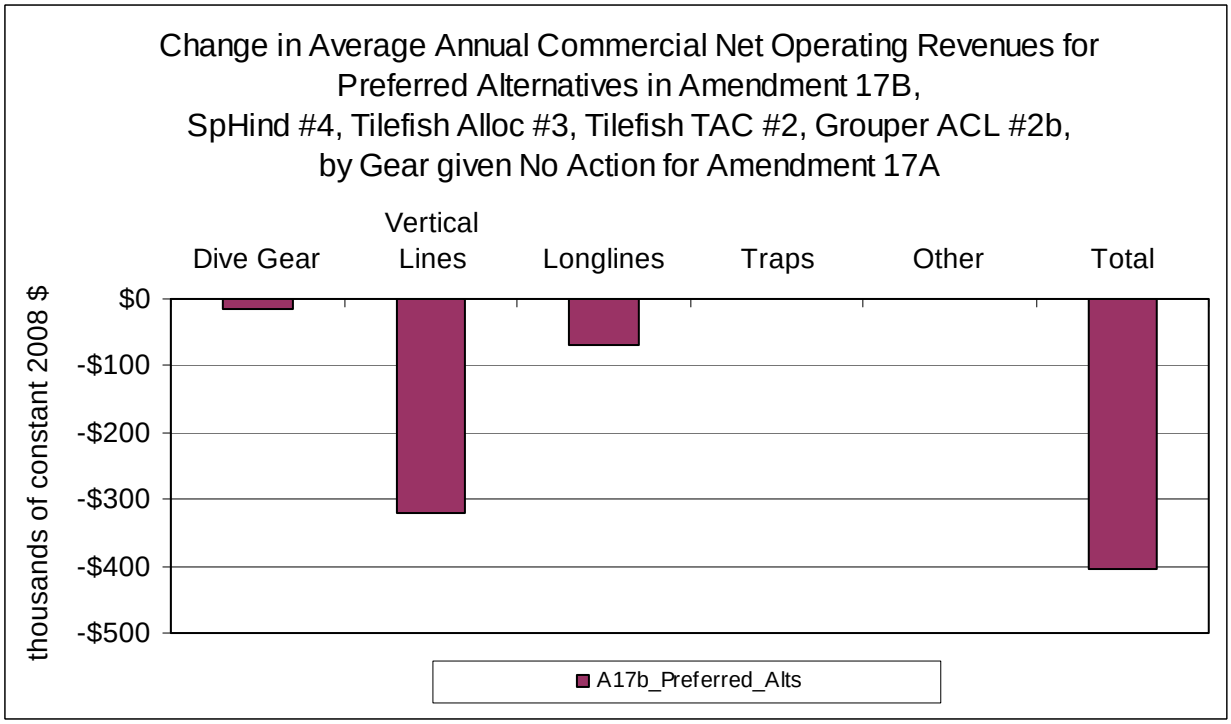
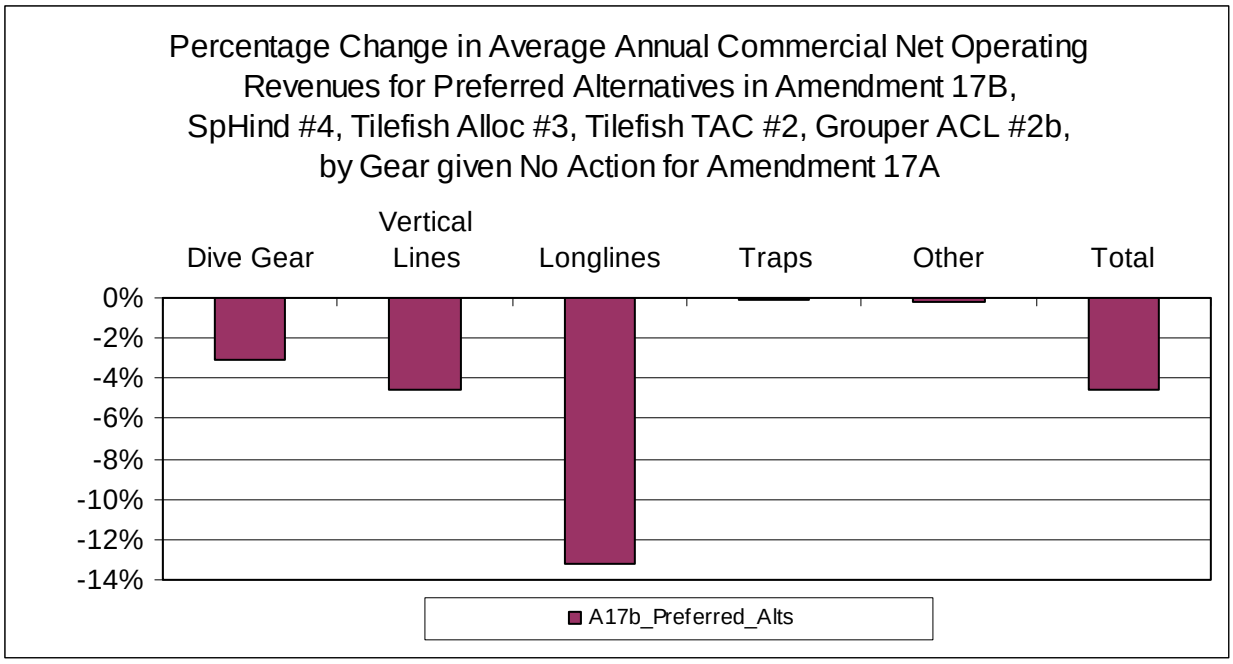


Figure 16b. Predicted percentage change in commercial net operating revenues by gear for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.



The expected economic losses differ by gear. Most of the losses in dollars would be incurred by boats on trips with vertical line gear because that is the predominant gear in the fishery. Fishermen on trips with longlines represent a smaller component of the snapper-grouper fishery, but would incur greater percentage losses because the prohibition on the harvest of deep water species in waters deeper than 240 feet would eliminate most of the longline fishery for snowy grouper and yellowedge grouper. Fishermen on trips with vertical line gear are expected to lose an annual average of slightly more than $320,000 per year in constant 2008 dollars, or about 4.6% compared to No Action, while fishermen on trips with bottom longlines are expected to lose an average of $68,000 per year, or about 13.2% compared to their earnings with the Status Quo (Figures 16a and 16b).

The economic effects of Amendment 17B also are expected to differ by state of landing. Fishermen from North Carolina, South Carolina, and the Florida Keys would incur the greatest losses in terms of both dollars and percentages, whereas fishermen from Georgia through southeast Florida would be affected to a lesser extent (Figures 17a and 17b). The geographic distribution of expected reductions in net operating revenues primarily reflects the location of fishing activities for the species whose harvest would be prohibited in waters deeper than 240 feet.

Most vessels would not be affected by the preferred alternatives. The logbook database includes trip reports for 776 vessels in 2005, 765 vessels in 2006, 760 vessels in 2007 and 791 vessels in 2008. Over the 4-year period, approximately 77.3 percent of vessels would not be affected by the preferred alternatives in Amendment 17B. Approximately 13.5 percent would be expected to incur losses of less than $1,000 per vessel. Another 6.3 percent would be expected to incur losses between $1,000 and $5,000 per vessel, and 2.2 percent would be expected to incur losses of more than $5,000. Approximately 0.7 percent would be expected to realize a gain in net operating revenues. Based on logbook data for 2005-2008, the maximum loss per vessel would

be approximately $131,000 given conditions in 2008, and the maximum gain per vessel would be approximately $3,000 given conditions in 2006.

Figure 17a. Predicted change in commercial net operating revenues by state of landing for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.

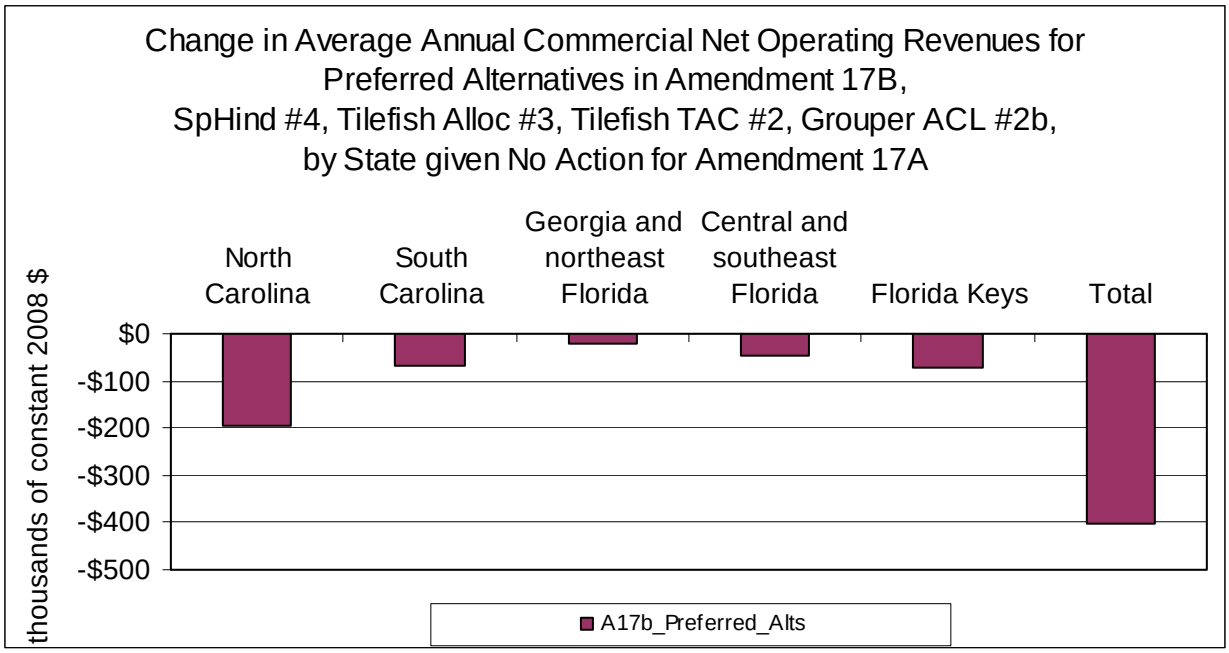
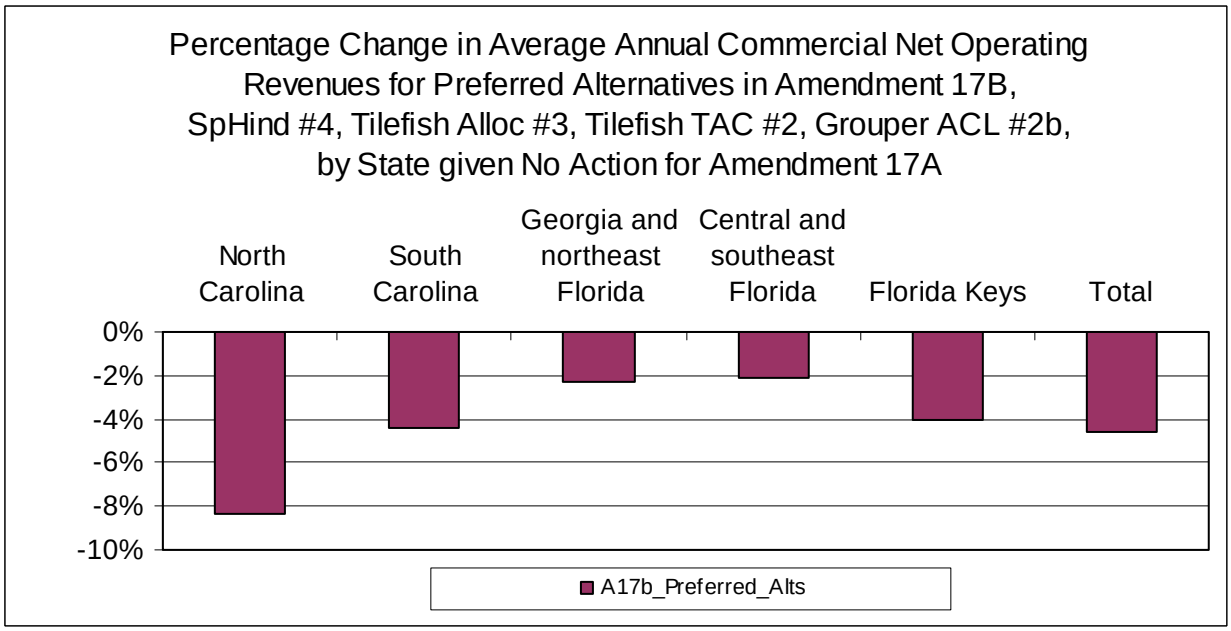


Figure 17b. Predicted percentage change in commercial net operating revenues by state of landing for all preferred alternatives combined compared to the No-Action alternative for Amendment 17B.



The simulation results suggest that most of the proposed management alternatives that were evaluated would not have major *additional* economic effects when compared to the no-action

alternative for the entire commercial snapper-grouper fishery, *after accounting for the expected effects of Amendments 13C and 16*. This is because Amendment 17B would not impose additional regulations for the commercial harvest of high-volume species such as vermilion snapper, yellowtail snapper and gag.

Average annual net operating revenues to boat owners and crew after deducting trip costs would decline from $8.78 million in constant 2008 dollars to approximately $8.38 million with the preferred management alternatives for speckled hind, warsaw grouper, tilefish, red grouper and black grouper. The average annual difference of -$0.40 million between the No Action and Preferred management scenarios represents a 4.6% average annual short-term economic loss that would be incurred by the commercial snapper-grouper fishery. On average, approximately 72% of the overall, expected annual reduction in net operating revenues would occur in response to the prohibition on the harvest and landing of deep water groupers and snappers and blueline tilefish in waters deeper than 240 feet. Approximately 26% of the expected annual reduction would occur in response to the aggregate ACL for red grouper, black grouper and gag, and the remaining 2% reduction is expected in response to a lower ACL for tilefish.

The analysis evaluated the economic effects of proposed alternatives for each management action given the No-Action alternative for other actions, as well as the simultaneous effects of all preferred alternatives for the various actions in Amendment 17B. In addition, the management alternatives in Amendment 17B could interact with additional alternatives that are simultaneously being developed in Amendment 17A to manage fishing activity in areas with large concentrations of red snapper. The simultaneous evaluation of preferred alternatives from the two amendments can occur later when preferred alternatives are specified for all Actions in both amendments.

5.8 Determination of Significant Regulatory Action

Pursuant to E.O. 12866, a regulation is considered a "significant regulatory action" if it is expected to result in: (1) an annual effect of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this executive order. Based on the information provided above, this regulatory action was determined not to be economically significant. However, the action has been determined to be significant for purposes of E.O. 12866.

6 Initial Regulatory Flexibility Analysis

6.1 Introduction

The purpose of the Regulatory Flexibility Act (RFA) is to establish a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable

statutes, to fit regulatory and informational requirements to the scale of businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration. The RFA does not contain any decision criteria; instead, the purpose of the RFA is to inform the agency, as well as the public, of the expected economic impacts of various alternatives contained in the FMP or amendment (including framework management measures and other regulatory actions). The RFA is also intended to ensure that the agency considers alternatives that minimize the expected impacts while meeting the goals and objectives of the FMP and applicable statutes.

With certain exceptions, the RFA requires agencies to conduct a regulatory flexibility analysis for each proposed rule. The regulatory flexibility analysis is designed to assess the impacts various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those impacts. In addition to analyses conducted for the RIR, the regulatory flexibility analysis provides: 1) A statement of the reasons why action by the agency is being considered; 2) a succinct statement of the objectives of, and legal basis for the proposed rule; 3) a description and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; 4) a description of the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirements of the report or record; 5) an identification, to the extent practical, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule; and 6) a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

In addition to the information provided in this section, additional information on the expected economic impacts of the proposed action was presented in **Sections 4.0** and **5.0** and is included herein by reference.

6.2 Statement of Need for, Objectives of, and Legal Basis for the Rule

The purpose and need, issues, problems, and objectives of the proposed rule are presented in **Section 1.0** and are incorporated herein by reference. In summary, the purpose of this amendment includes: 1) Specifying ACLs, ACTs, and AMs for 9 species undergoing overfishing; 2) modifying management measures as needed to limit harvest to the ACL or ACT; 3) specifying allocation alternatives for golden tilefish; and, 4) updating the framework procedure for specification of TAC. The Magnuson-Stevens Fishery Conservation and Management Act provides the statutory basis for the proposed rule.

6.3 Identification of All Relevant Federal Rules Which May Duplicate, Overlap or Conflict with the Proposed Rule

No duplicative, overlapping, or conflicting Federal rules have been identified. Previous amendments, whether already implemented or in the process of being implemented, have been considered in designing the various actions in this amendment.

6.4 Description and Estimate of the Number of Small Entities to Which the Proposed Rule will Apply

This proposed action is expected to directly affect commercial fishers and for-hire operators. The SBA has established size criteria for all major industry sectors in the U.S. including fish harvesters and for-hire operations. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $4.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. For for-hire vessels, the other qualifiers apply and the annual receipts threshold is $7.0 million (NAICS code 713990, recreational industries).

From 2003-2007, which is the period of data used in the analysis of the expected impacts of this action, an average of 944 vessels per year were permitted to operate in the commercial snapper grouper fishery. Of these vessels, 749 held transferable permits and 195 held non-transferable permits. On average, 890 vessels landed 6.43 million pounds of snapper grouper and 1.95 million pounds of other species on snapper grouper trips. Total dockside revenues from snapper grouper species stood at $13.81 million (2007 dollars) and from other species, at $2.30 million (2007 dollars). Considering revenues from both snapper grouper and other species, the revenues per vessel would be $18,101. An average of 27 vessels per year harvested more than 50,000 pounds of snapper grouper species per year, generating at least, at an average price of $2.15 (2007 dollars) per pound, dockside revenues of $107,500. Vessels that operate in the snapper grouper fishery may also operate in other fisheries, the revenues of which cannot be determined with available data and are not reflected in these totals.

Although a vessel that possesses a commercial snapper grouper permit can harvest any snapper grouper species, not all permitted vessels or vessels that landed snapper grouper landed all of the major species in this amendment. The following average number of vessels landed the subject species in 2003-2007: 292 for gag, 253 for vermilion snapper, 32 for speckled hind, 64 for golden tilefish, 160 for snowy grouper, 323 for black grouper, 237 for black sea bass, and 402 for red grouper. Combining revenues from snapper grouper and other species on the same trip, the average revenue (2007 dollars) per vessel for vessels landing the subject species would be $20,551 for gag, $28,454 for vermilion snapper, $6,250 for speckled hind, $17,266 for golden tilefish, $7,186 for black grouper, $19,034 for black sea bass, and $17,164 for red grouper.

Based on revenue information, all commercial vessels affected by measures in this amendment can be considered as small entities.

For the period 2003-2007, an average of 1,635 vessels were permitted to operate in the snapper grouper for-hire fishery, of which 82 are estimated to have operated as headboats. Within the total number of vessels, 227 also possessed a commercial snapper grouper permit and would be

included in the summary information provided on the commercial sector. The for-hire fleet is comprised of charterboats, which charge a fee on a vessel basis, and headboats, which charge a fee on an individual angler (head) basis. The charterboat annual average gross revenue is estimated to range from approximately $62,000-$84,000 for Florida vessels, $73,000-$89,000 for North Carolina vessels, $68,000-$83,000 for Georgia vessels, and $32,000-$39,000 for South Carolina vessels. For headboats, the appropriate estimates are $170,000-$362,000 for Florida vessels, and $149,000-$317,000 for vessels in the other states. Based on these average revenue figures, it is determined, for the purpose of this assessment, that all for-hire operations that would be affected by this action are small entities.

Some fleet activity may exist in both the commercial and for-hire snapper grouper sectors, but the extent of such is unknown and all vessels are treated as independent entities in this analysis.

6.5 Description of the projected reporting, record-keeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for the preparation of the report or records

The proposed action may require additional reporting, record-keeping, and other compliance requirements. The cost of these requirements cannot be estimated at this time.

6.6 Substantial Number of Small Entities Criterion

The proposed action is expected to directly affect all Federally permitted commercial and for-hire vessels that operate in the South Atlantic snapper grouper fishery. All affected entities have been determined, for the purpose of this analysis, to be small entities. Therefore, it is determined that the proposed action will affect a substantial number of small entities.

6.7 Significant Economic Impact Criterion

The outcome of 'significant economic impact' can be ascertained by examining two issues: disproportionally and profitability.

Disproportionally: Do the regulations place a substantial number of small entities at a significant competitive disadvantage to large entities?

All entities that are expected to be affected by the proposed rule are considered small entities, so the issue of disproportionality does not arise in the present case.

Profitability: Do the regulations significantly reduce profit for a substantial number of small entities?

The general tone of the measures in this amendment would be to reduce harvest that would, in turn, reduce revenues and net profits of affected small entities. However, the various ACLs and AMs have the nature of generally not resulting in immediate reductions in profits.

6.8 Description of Significant Alternatives

This section will be completed once the Council has finalized its selection of all preferred alternatives.

7 Fishery Impact Statement and Social Impact Assessment

7.1 Fishery Impact Statement

7.2 Social Impact Assessment

7.2.1 Introduction

Mandates to conduct Social Impact Assessments (SIA) come from both the National Environmental Policy Act (NEPA) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NEPA requires Federal agencies to consider the interactions of natural and human environments by using a "...systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences...in planning and decision-making@ [NEPA section 102 (2) (a)]. Under the Council on Environmental Quality=s (CEQ, 1986) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, a clarification of the terms Ahuman environment@ expanded the interpretation to include the relationship of people with their natural and physical environment (40 CFR 1508.14). Moreover, agencies need to address the aesthetic, historic, cultural, economic, social, or health effects which may be direct, indirect or cumulative (Interorganizational Committee on Guidelines and Principles for Social Impact Assessment, 1994).

Under the Magnuson-Stevens Act, fishery management plans (FMPs) must A...achieve and maintain, on a continuing basis, the optimum yield from each fishery@ [Magnuson-Stevens Act section 2 (b) (4)]. When considering "…a system for limiting access to the fishery in order to achieve optimum yield…@ the Secretary of Commerce and Regional Fishery Management Councils are to consider both the social and economic impacts of the system [Magnuson-Stevens Act section 303 (b) (6)]. Recent amendments to the Magnuson-Stevens Act require that FMPs address the impacts of any management measures on the participants in the affected fishery and those participants in other fisheries that may be affected directly or indirectly through the inclusion of a fishery impact statement [Magnuson-Stevens Act section 303 (a) (9)]. National Standard 8, requires that FMPs must consider the impacts upon fishing communities to assure their sustained participation and minimize adverse economic impacts upon those communities [Magnuson-Stevens Act section 301 (a) (8)].

7.2.2 Problems and Methods

Social impacts are generally the consequences to human populations that follow from some type of public or private action. Those consequences may include alterations to A...the ways in which people live, work or play, relate to one another, organize to meet their needs and generally cope as members of a society...@ (Interorganizational Committee on Guidelines and Principles for Social Impact Assessment, 1994:1). Social impact analyses can be used to determine possible consequences management actions may have on fishing dependent communities. In order to do a full social impact analysis it is necessary to identify community participants who depend upon the fisheries in that area and to identify the amount of dependency they have upon a given fishery. Further it is necessary to understand the other opportunities for employment that exist within the community should fishery management measures become so restrictive that participants must switch their focus to other fisheries or other jobs outside of the fishing industry. Public hearings and scoping meetings may provide input from those concerned with a particular action, but they do not constitute a full overview of those that depend on the fishing industry.

In attempting to assess the social impacts of the proposed amendment it must be noted that there is not enough data on all participants who are involved with the snapper grouper fishery at the community level to do a complete overview of the fishery; therefore, analyses cannot predict all social impacts. However, secondary data such as landings data, license data, permits data, and information on communities such as Census data, can help to describe the communities involved in the snapper-grouper fishery in the South Atlantic.

Today, more fisheries are managed by quotas and/or have restrictions on the number of participants. This limits the other opportunities fishermen who fish for species in the snapper-grouper complex to target other species to make up for reduced harvests of the snapper-grouper species.

Based on an analysis of secondary data, there are not any communities in the South Atlantic region that are completely dependent on the snapper-grouper fisheries, although several are heavily involved with the commercial or recreational snapper-grouper fishery. Any reduction in harvest has the potential to put fishermen and fishing dependent businesses out of business. Some recreational and commercial fishermen may decide it is not worth fishing for very limited bag limits, reduced TACs or for only a few species. Decisions on whether to stay in the fishery or to leave for another type of employment often depends on the circumstances of the individual such as whether or not they own their fishing boat, how much longer they intended to fish before retirement, if there is other family income, etc. At this time, there is insufficient information on fishermen to be able to fully describe what they may do with reduced catches, shorter fishing seasons, and/or closed areas.

In the future, fishermen, fishing dependent businesses, and communities involved in the snapper-grouper fisheries will benefit when overfishing is stopped and the fishery is rebuilt. However, for the short-term, the closing of specified areas, seasonal closures, reduced catch limits, and other measures that are necessary to stop overfishing and rebuild stocks, will all

have negative impacts on those involved in the fishery. The average age of commercial fishermen is increasing, and fewer young people are becoming commercial fishermen. A fishery that is rebuilt in 15, 20, or even 25 years may be of no help to fishermen who will be impacted now by new regulations because they may be too old to fish when the fishery is rebuilt. Because fewer young people are choosing to fish, there may be the possibility that there may not be many commercial fishermen to harvest quotas once the fishery is rebuilt.

Communities that depend on the fishing industry throughout the South Atlantic are facing increasing challenges due to increased regulations that reduce catch for both the recreational and commercial fishing sector. If commercial catches are reduced, there can be a reduction in fish houses and processors, or a loss of jobs in the processing sector. Some fishermen may decide they can no longer make a living in the fishing industry and leave the industry for other jobs. Overall, fewer young people are becoming fishermen due to the difficulty of making a living fishing. If the harvest levels are reduced for recreational sector, this will have a negative impact on charter and party boat operators, private boat owners, and businesses such as bait shops, marinas, hotels, and restaurants that cater to recreational fishermen.

Communities are also facing increasing challenges due to development and gentrification. As more water front property is developed for non-fishing uses such as locations for condominiums, hotels, restaurants, etc., fishing related businesses are in competition over land. Development often increases taxes which make it difficult for fishing docks, processors, and other businesses to stay near the water. In the last few decades more fishermen have had to move inland due to the rising cost of housing and taxes for water front property. This has changed the dynamics of some areas that were once built around the fishing industry.

Profiles of the communities expected to be affected by the actions in this proposed amendment are provided in **Section 3.8.3**, while a discussion of the expected social effects of each alternative considered is provided in **Section 4**.

7.2.3 Environmental Justice Considerations

Executive Order 12898 requires federal agencies conduct their programs, policies, and activities in a manner to ensure individuals or populations are not excluded from participation in, or denied the benefits of, or subjected to discrimination because of their race, color, or national origin. In addition, and specifically with respect to subsistence consumption of fish and wildlife, federal agencies are required to collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. This executive order is generally referred to as environmental justice (EJ).

Persons employed in the snapper-grouper fishery and associated businesses and communities along the South Atlantic coast would be expected to be affected by this proposed action. Information on the race and income status for groups at the different participation levels (vessel owners, crew, dealers, processors, employees, employees of associated support industries, etc.) is not available. County level data, however, for the communities profiled in Section 3.8.3 have been assessed to examine potential EJ concerns. Because this proposed action would be

expected to affect fishermen and associated industries in numerous communities along the South Atlantic coast and not just those profiled, it is possible that other counties or communities have poverty or minority rates that exceed the EJ thresholds.

In order to identify the potential for EJ concern, the rates of minority populations (non-white, including Hispanic) and the percentage of the population that was below the poverty line were examined. The threshold for comparison that was used was 1.2 times the state average such that, if the value for the community or county was greater than or equal to 1.2 times the state average, then the community or county was considered an area of potential EJ concern. Census data for the year 2000 was used Estimates of the state minority and poverty rates, associated thresholds, and community rates are provided in Table 7-1.

Based on available demographic information, only the poverty rate for Beaufort, North Carolina suggests potential EJ concern, with a poverty rate of 16.6 percent, which exceeds the state threshold of 14.76 percent. This single instance might suggest potential EJ concerns are minimal. As noted above, however, additional communities beyond those profiled would be expected to be affected by the actions in this proposed amendment. Because these communities have not been profiled, the absence of additional potential EJ concerns cannot be assumed and the total number of communities that exceed the thresholds in unknown.

However, while some communities expected to be affected by this proposed amendment may have minority or economic profiles that exceed the EJ thresholds and, therefore, may constitute areas of concern, no EJ issues have been identified or are expected to arise as a result of this proposed amendment. No negative environmental consequences are expected to accrue to this proposed amendment. Although some short term adverse social and economic consequences may accrue to fishermen in the snapper-grouper fishery and associated industries and communities due to possible reduction of expenditures and revenues associated with changes in fishing behavior and harvest levels, the environmental consequences of this proposed amendment are expected to be positive. The actions in this proposed amendment are expected to protect and ensure the sustainability and health of the respective species. Protection of these species would be expected to preserve the environmental benefits these species contribute to the marine environment and the general health and condition of this environment. These measures are also not expected to result in increased risk of exposure of affected individuals to adverse health hazards.

Table 7-1. Environmental Justice Thresholds (2000 U.S. Census data).

State	Community	Minority Rate	Minority Threshold*	Poverty Rate	Poverty Threshold*
Florida		34.60	41.52	12.50	15.00
	Cape Canaveral	8.10		11.60	
	Marathon	26.70		14.20	
Georgia		37.40	44.88	13.00	15.60
	Townsend**	39.10		14.60	
South Carolina		33.90	40.68	14.10	16.92
	Little River	9.10		7.50	
North Carolina		29.80	35.76	12.30	14.76
	Atlantic City	2.60		7.30	

	Beaufort	25.40		16.60	
	Hatteras Village	6.60		10.00	
	Morehead City	19.20		14.60	
	Sneads Ferry	9.70		13.50	
	Wanchese	3.30		8.10	

*Calculated as 1.2 times the state rate.

**Values are for entire McIntosh County.

8 Other Applicable Law

8.1 Administrative Procedure Act

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II), which establishes a "notice and comment" procedure to enable public participation in the rulemaking process. Under the APA, NOAA Fisheries Service is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

8.2 Coastal Zone Management Act

Section 307(c)(1) of the federal Coastal Zone Management Act (CZMA) of 1972 requires that all federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. While it is the goal of the Council to have management measures that complement those of the states, federal and state administrative procedures vary and regulatory changes are unlikely to be fully instituted at the same time. Based on the analysis of the environmental consequences of the proposed action in **Section 4.0**, the Council has concluded this amendment would improve federal management of snapper grouper species.

8.3 Endangered Species Act

The Endangered Species Act (ESA) of 1973 (16 U.S.C. Section 1531 et seq.) requires that federal agencies ensure actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or the habitat designated as critical to their survival and recovery. The ESA requires NOAA Fisheries Service to consult with the appropriate administrative agency (itself for most marine species and the U.S. Fish and Wildlife Service for all remaining species) when proposing an action that may affect threatened or endangered species or adversely modify critical habitat. Consultations are necessary to determine the potential impacts of the proposed action. They are concluded informally when proposed actions may affect but are "not likely to adversely affect" threatened or endangered species or designated critical habitat. Formal consultations, resulting in a biological opinion, are required when proposed actions may affect and are "likely to adversely affect" threatened or endangered species or adversely modify designated critical habitat.

NOAA Fisheries Service completed a biological opinion in 2006 evaluating the impacts of the continued authorization of the South Atlantic snapper grouper fishery under the snapper grouper FMP and Amendment 13C (NMFS 2006) on ESA-listed species (see Section 3.5). The opinion stated the fishery was not likely to adversely affect northern right whale critical habitat, seabirds, or marine mammals (see NMFS 2006 for discussion on these species). However, the opinion did state that the snapper grouper fishery would adversely affect sea turtles and smalltooth sawfish, but would not jeopardize their continued existence. An incidental take statement was issued for

green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles, as well as smalltooth sawfish. Reasonable and prudent measures to minimize the impact of these incidental takes were specified, along with terms and conditions to implement them.

NOAA Fisheries Service conducted an informal ESA section 7 consultation on July 9, 2007, evaluating the impacts of the South Atlantic snapper grouper fishery on ESA-listed *Acropora* species. The consultation concluded that the continued operation of the snapper grouper fishery was not likely to adversely affect newly listed *Acropora* coral species. On November 26, 2008, a final rule designating *Acropora* critical habitat was published in the *Federal Register*. A memo dated December 2, 2008, evaluated the effects of the continued authorization of the South Atlantic snapper grouper fishery on *Acropora* critical habitat pursuant to ESA section 7. The evaluation concluded the proposed actions are not likely to adversely affect *Acropora* critical habitat.

8.4 Executive Order 12612: Federalism

E.O. 12612 requires agencies to be guided by the fundamental federalism principles when formulating and implementing policies that have federalism implications. The purpose of the Order is to guarantee the division of governmental responsibilities between the federal government and the states, as intended by the framers of the Constitution. No federalism issues have been identified relative to the actions proposed in this amendment and associated regulations. The affected states have been closely involved in developing the proposed management measures and the principal state officials responsible for fisheries management in their respective states have not expressed federalism related opposition to the proposed action.

8.5 Executive Order 12866: Regulatory Planning and Review

E.O. 12866, signed in 1993, requires federal agencies to assess the costs and benefits of their proposed regulations, including distributional impacts, and to select alternatives that maximize net benefits to society. To comply with E.O. 12866, NMFS prepares a Regulatory Impact Review (RIR) for all fishery regulatory actions that implement a new FMP or that significantly amend an existing plan. RIRs provide a comprehensive analysis of the costs and benefits to society associated with proposed regulatory actions, the problems and policy objectives prompting the regulatory proposals, and the major alternatives that could be used to solve the problems. The reviews also serve as the basis for the agency's determinations as to whether proposed regulations are a "significant regulatory action" under the criteria provided in E.O. 12866 and whether proposed regulations will have a significant economic impact on a substantial number of small entities in compliance with the RFA. A regulation is significant if it is likely to result in an annual effect on the economy of at least $100,000,000 or if it has other major economic effects.

8.6 Executive Order 12898: Environmental Justice

This Executive Order mandates that each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. Federal agency responsibilities under this Executive Order include conducting their programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination under, such programs policies, and activities, because of their race, color, or national origin. Furthermore, each federal agency responsibility set forth under this Executive Order shall apply equally to Native American programs.

Specifically, federal agencies shall, to the maximum extent practicable; conduct human health and environmental research and analysis; collect human health and environmental data; collect, maintain and analyze information on the consumption patterns of those who principally rely on fish and/or wildlife for subsistence; allow for public participation and access to information relating to the incorporation of environmental justice principals in federal agency programs or policies; and share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

The Council conducted a series of scoping meetings for this amendment in which the public was invited to provide input on actions contained therein. A summary of the scoping meetings can be found in **Appendix N** of this document. Comments received were considered during the development of Amendment 17B, and no environmental justice issues were raised during the scoping process. No Native American programs would be affected by actions contained within this amendment; therefore, no tribal consultation has been initiated.

Section 3.11 describes several areas in North Carolina, South Carolina, Georgia, and Florida where South Atlantic snapper grouper fisheries have a local presence. These communities were identified as key communities involved in the South Atlantic snapper grouper fishery based on fishing permit and employment data. The demographic information reported for these communities were derived from census data. Although the Census Bureau does not supply race or income data at the community level, such data are available for each county in which the fishing communities exist. Based on 2005 Census data, none of the counties within which any of the subject fishing communities is located has a disproportionately high poverty rate[11], or minority population[12]. The proposed actions would be applied to all participants in the fishery,

[11] Following the Office of Management and Budget's (OMB) Statistical Policy Directive 14 if a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps) (U.S. Census, 2008).

[12] A minority population is one either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (U.S. Census, 2008).

regardless of their race, color, national origin, or income level, and as a result are not expected to result in adverse or disproportionate environmental or public health impacts. Comments received during scoping did not indicate proposed actions are expected to affect any existing subsistence consumption patterns. Therefore, no environmental justice issues are anticipated and no modifications to any proposed actions have been made to address environmental justice issues.

8.7 Executive Order 12962: Recreational Fisheries

E.O. 12962 requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods including, but not limited to, developing joint partnerships; promoting the restoration of recreational fishing areas that are limited by water quality and habitat degradation; fostering sound aquatic conservation and restoration endeavors; and evaluating the effects of federally-funded, permitted, or authorized actions on aquatic systems and recreational fisheries, and documenting those effects. Additionally, the order establishes a seven member National Recreational Fisheries Coordination Council responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries. The Council also is responsible for developing, in cooperation with federal agencies, states and tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda.

8.8 Executive Order 13089: Coral Reef Protection

E.O. 13089, signed by President William Clinton on June 11, 1998, recognizes the ecological, social, and economic values provided by the Nation's coral reefs and ensures that federal agencies are protecting these ecosystems. More specifically, the Order requires federal agencies to identify actions that may harm U.S. coral reef ecosystems, to utilize their program and authorities to protect and enhance the conditions of such ecosystems, and to ensure that their actions do not degrade the condition of the coral reef ecosystem.

Previous snapper grouper amendments, including Amendment 13A (2003), eliminated all potential adverse impacts to *Oculina* coral in the *Oculina* Banks HAPC and Experimental Closed Area that are associated with bottom fishing gear and fulfills the intentions of E.O. 13089. The use of bottom trawls, bottom longlines, dredges, fish traps, and fish pots is currently prohibited within the *Oculina* Banks HAPC and Experimental Closed Area and that prohibition would not be affected by the proposed actions.

The Comprehensive Ecosystem Based Amendment 1 (CE-BA 1, under development) will have alternatives for boundaries and management measures for proposed deepwater coral habitat areas of particular concern (HAPCs). A series of public hearings for the amendment were held

January and February 2009. The Council submitted the draft Environmental Impact Statement (DEIS) for CE-BA 1 to NOAA Fisheries Service in January 2009. CE-BA 1 is currently undergoing review for publication of a notice of availability of the DEIS.

8.9 Executive Order 13158: Marine Protected Areas

E.O. 13158 was signed on May 26, 2000 to strengthen protection of U.S. ocean and coastal resources through the use of Marine Protected Areas (MPAs). The E.O. defined MPAs as "any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein." It directs federal agencies to work closely with state, local, and non-governmental partners to create a comprehensive network of MPAs "representing diverse U.S. marine ecosystems, and the nation's natural and cultural resources". The South Atlantic Council developed Amendment 14 to the FMP for the Snapper Grouper Fishery if the South Atlantic Region to establish a series of deepwater marine protected areas in the South Atlantic EEZ. The amendment was approved by the Council during its June 2007 meeting and submitted to NOAA Fisheries Service for approval by the Secretary of Commerce on July 18, 2007. Amendment 14 was implemented on February 12, 2009.

8.10 Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas. It also prohibits the importing of marine mammals and marine mammal products into the United States. Under the MMPA, the Secretary of Commerce (authority delegated to NOAA Fisheries Service) is responsible for the conservation and management of cetaceans and pinnipeds (other than walruses). The Secretary of the Interior is responsible for walruses, sea otters, polar bears, manatees, and dugongs.

In 1994, Congress amended the MMPA, to govern the taking of marine mammals incidental to commercial fishing operations. This amendment required the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction; development and implementation of take-reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries; and studies of pinniped-fishery interactions. The MMPA requires a commercial fishery to be placed in one of three categories, based on the relative frequency of incidental serious injuries and mortalities of marine mammals. Category I designates fisheries with frequent serious injuries and mortalities incidental to commercial fishing; Category II designates fisheries with occasional serious injuries and mortalities; and Category III designates fisheries with a remote likelihood or no known serious injuries or mortalities. To legally fish in a Category I and/or II fishery, a fisherman must obtain a marine mammal authorization certificate by registering with the Marine Mammal Authorization Program (50 CFR 229.4), the must accommodate an observer if requested (50 CFR 229.7(c)) and comply with any applicable take reduction plans.

The commercial hook-and-line components of the South Atlantic snapper grouper fishery (i.e., bottom longline, bandit gear, and handline) are listed as part of a Category III fishery (74 FR 27739; June 11, 2009) because there have been no documented interactions between these gears and marine mammals. The black sea bass pot component of the South Atlantic snapper grouper fishery is part of the Atlantic mixed species trap/pot fishery, a Category II fishery, in the 2010 proposed LOF (74 FR 27739; June 11, 200973 FR 73032; December 1, 2008)). The Atlantic mixed species trap/pot fishery designation was created in 2003 (68 FR 41725, July 15, 2003), by combining several separately listed trap/pot fisheries into a single group. This group was designated Category II as a precaution because of known interactions between marine mammals and gears similar to those included in this group. Prior to this consolidation, the black sea bass pot fishery in the South Atlantic was a part of the "U.S. Mid-Atlantic and Southeast U.S. Atlantic Black Sea Bass Trap/Pot" fishery (Category III). There has never been a documented interaction between marine mammals and black sea bass trap/pot gear in the South Atlantic. The actions in Amendment 17B are not expected to negatively impact the provisions of the MMPA.

8.11 Migratory Bird Treaty Act and Executive Order 13186

The Migratory Bird Treaty Act (MBTA) implemented several bilateral treaties for bird conservation between the United States and Great Britain, the United States and Mexico, the United States and Japan, and the United States and the former Union of Soviet Socialists Republics. Under the MBTA, it is unlawful to pursue, hunt, take, capture, kill, possess, trade, or transport any migratory bird, or any part, nest, or egg of a migratory bird, included in treaties between the signatories, except as permitted by regulations issued by the Department of the Interior (16 U.S.C. 703-712). Violations of the MBTA carry criminal penalties. Any equipment and means of transportation used in activities in violation of the MBTA may be seized by the United States government and, upon conviction, must be forfeited to the U.S. government.

Executive Order 13186 directs each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement a memorandum of understanding (MOU) with the U.S. Fish and Wildlife Service (USFWS) to conserve those bird populations. In the instance of unintentional take of migratory birds, NOAA Fisheries Service would develop and use principles, standards, and practices that will lessen the amount of unintentional take in cooperation with the USFWS. Additionally, the MOU would ensure that National Environmental Policy Act (NEPA) analyses evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern.

A MOU is currently being developed, which will address the incidental take of migratory birds in commercial fisheries under the jurisdiction of NOAA Fisheries Service. NOAA Fisheries Service must monitor, report, and take steps to reduce the incidental take of seabirds that occurs in fishing operations. The United States has already developed the U.S. National Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries. Under that plan many potential MOU components are already being implemented.

8.12 National Environmental Policy Act

Concerned with the degree of damages incurred by human activity on the sensitive ecological environment in the United States, Congress passed, and Richard Nixon signed into law, the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. §§ 4321 *et seq.* NEPA sets the national environmental policy by providing a mandate and framework for federal agencies to consider all reasonably foreseeable environmental effects of their actions. In addition, it requires disclosure of information regarding the environmental impacts of any federal or federally funded action to public officials and citizens before decisions are made and actions taken. The analyses and results are presented to the public and other agencies through the development of NEPA documentation. The Final Environmental Impact Statement (FEIS) integrated into Amendment 17 to the FMP serves as the documentation to satisfy the requirements of NEPA.

8.13 National Marine Sanctuaries Act

Under the National Marine Sanctuaries Act (NMSA) (also known as Title III of the Marine Protection, Research, and Sanctuaries Act of 1972), as amended, the U.S. Secretary of Commerce is authorized to designate National Marine Sanctuaries to protect distinctive natural and cultural resources whose protection and beneficial use requires comprehensive planning and management. The National Marine Sanctuary Program is administered by the Sanctuaries and Reserves Division of NOAA. The Act provides authority for comprehensive and coordinated conservation and management of these marine areas. The National Marine Sanctuary Program currently comprises 13 sanctuaries around the country, including sites in American Samoa and Hawaii. These sites include significant coral reef and kelp forest habitats, and breeding and feeding grounds of whales, sea lions, sharks, and sea turtles. The two main sanctuaries in the South Atlantic EEZ are Gray's Reef and Florida Keys National Marine Sanctuaries. The Florida Keys National Marine Sanctuary represents the bulk of the ESA-listed *Acropora* species' range in the South Atlantic region.

8.14 Paperwork Reduction Act

The purpose of the Paperwork Reduction Act is to control paperwork requirements imposed on the public by the federal government. The authority to manage information collection and record keeping requirements is vested with the Director of the Office of Management and Budget. This authority encompasses establishment of guidelines and policies, approval of information collection requests, and reduction of paperwork burdens and duplications.

The Council is not proposing, in this amendment, measures that would involve increased paperwork and consideration under this Act.

8.15 Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601 et seq.) requires federal agencies to assess the impacts of regulatory actions implemented through notice and comment rulemaking procedures on small businesses, small organizations, and small governmental entities, with the goal of minimizing adverse impacts of burdensome regulations and record-keeping requirements on those entities. Under the RFA, NOAA Fisheries Service must determine whether a proposed fishery regulation would have a significant economic impact on a substantial number of small entities. If not, a certification to this effect must be prepared and submitted to the Chief Counsel for Advocacy of the Small Business Administration. Alternatively, if a regulation is determined to significantly impact a substantial number of small entities, the Act requires the agency to prepare an initial and final Regulatory Flexibility Analysis to accompany the proposed and final rule, respectively. These analyses, which describe the type and number of small businesses affected, the nature and size of the impacts, and alternatives that minimize these impacts while accomplishing stated objectives, must be published in the *Federal Register* in full or in summary for public comment and submitted to the chief counsel for advocacy of the Small Business Administration. Changes to the RFA in June 1996 enable small entities to seek court review of an agency's compliance with the Act's provisions.

8.16 Small Business Act

Enacted in 1953, the Small Business Act (SBA) requires that agencies assist and protect small-business interests to the extent possible to preserve free competitive enterprise. The IRFA discussed in Section 6 of this document shows that Amendment 17 is in compliance with the SBA.

8.17 Public Law 99-659: Vessel Safety

Public Law 99-659 amended the Magnuson-Stevens Act to require that a FMP or FMP amendment must consider, and may provide for, temporary adjustments (after consultation with the U.S. Coast Guard and persons utilizing the fishery) regarding access to a fishery for vessels that would be otherwise prevented from participating in the fishery because of safety concerns related to weather or to other ocean conditions.

No vessel would be forced to participate in the snapper grouper fishery under adverse weather or ocean conditions as a result of the imposition of management regulations proposed in this amendment. No concerns have been raised by people participating neither in the fishery nor by the U.S. Coast Guard that the proposed management measures directly or indirectly pose a hazard to crew or vessel safety under adverse weather or ocean conditions. Therefore, this amendment proposes neither procedures for making management adjustments due to vessel safety problems nor procedures to monitor, evaluate, or report on the effects of management measures on vessel or crew safety under adverse weather or ocean conditions

9 List of Preparers

Name	Title	Agency	Division	Location
Myra Brouwer	Fishery Scientist	SAFMC	N/A	SAFMC
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10 Lits of Agencies, Organizations, and Persons To Whom Copies of the Statement Are Sent

Responsible Agency

Amendment 17B:

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List of Agencies, Organizations, and Persons Consulted

SAFMC Law Enforcement Advisory Panel
SAFMC Snapper Grouper Advisory Panel
SAFMC Marine Protected Areas Advisory Panel
SAFMC Coral Advisory Panel
SAFMC Habitat and Environmental Protection Panel
SAFMC Scientific and Statistical Committee
North Carolina Coastal Zone Management Program
South Carolina Coastal Zone Management Program
Georgia Coastal Zone Management Program
Florida Coastal Zone Management Program
Florida Fish and Wildlife Conservation Commission
Georgia Department of Natural Resources
South Carolina Department of Natural Resources
North Carolina Division of Marine Fisheries
North Carolina Sea Grant
South Carolina Sea Grant
Georgia Sea Grant
Florida Sea Grant
Atlantic States Marine Fisheries Commission
Gulf and South Atlantic Fisheries Development Foundation
Gulf of Mexico Fishery Management Council
National Marine Fisheries Service
- Washington Office
- Office of Ecology and Conservation
- Southeast Regional Office
- Southeast Fisheries Science Center

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