

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

Discussion Document
May 2024

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

Background

Amendment 46 to the Snapper Grouper Fishery Management Plan (FMP) was previously developed in the first half of 2018 and was approved for scoping at the June 2018 South Atlantic Fishery Management Council (Council) meeting. Due to time constraints over the Council’s workplan and the need to obtain more information on potential approaches for private recreational data gathering, the amendment was never scoped. From 2018 through 2020 staff focused instead on piloting the [MyFishCount](#) mobile app and portal. Other related efforts have also taken place, notably the convening of the Joint Council Workgroup on Section 102 of the Modernizing Recreational Fisheries Management Act of 2018 (Modern Fish Act) and the Private Recreational Reporting Workgroup. Many of the members of this workgroup eventually became part of the current ad hoc Snapper Grouper Recreational Permitting and Reporting Advisory Panel (AP) that provide technical advice to the Council on permitting and data collection for Amendment 46.

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

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

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

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

Recent Council actions

Since work commenced again on the amendment in December 2022, the actions have undergone a series of reviews by several advisory panels. The summary reports and recommendations from these groups as well as previous efforts can be found on the Council's website under the following links:

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

Given the specific nature of Amendment 46 that focuses on the private component of the recreational sector, the Council felt that it would be beneficial to gather input from the perspective of private anglers. As such, the Snapper Grouper Private Angler AP was appointed by the Council at the December 2023 meeting as an ad hoc AP. The AP includes members of the private angling community from all four states in the South Atlantic region. The intent of the AP is to provide guidance to the Council from the private angler perspective and help guide their decision making for Amendment 46.

At this meeting, the AP will be introduced to actions in Amendment 46 and asked to discuss the amendment as well as provide feedback to the Council on aspects to consider as they move forward with potentially developing a private recreational permit and education requirement in the snapper grouper fishery. As part of this, the AP will be asked for items that the Council should consider and recommendations as they move forward with developing Amendment 46.

Actions in this amendment

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

Objectives for this meeting

- Gather feedback on actions and alternatives being considered in the amendment.
- Provide recommendations for the Council to consider as Amendment 46 continues to be developed.

Tentative amendment timing

✓December 2022	Council reviewed options paper and approved amendment for scoping.
✓Winter 2023	Conducted scoping.
✓March 2023	Council reviewed scoping comments and provided guidance on the amendment.
✓June 2023	Council reviewed amendment and Technical AP and Snapper Grouper AP comments.
✓September 2023	Council reviewed amendment and Technical AP comments.
✓December 2023	Council reviewed Snapper Grouper and Outreach and Communications AP comments, draft effects, and made modifications to the amendment.
✓March 2024	Council reviewed of amendment and Law Enforcement AP comments.
Spring 2024	Review by Private Angler AP and Permitting and Reporting AP.
June 2024	Council review of amendment and AP comments.
September 2024	Council reviews modifications to the amendment, select preferred alternatives, and approve for public hearings.
Fall 2024	Conduct public hearings.
December 2024	Council reviews amendment and public hearing comments.
March 2025	Council reviews final draft of amendment and considers approval for formal review.
2026/2027 (TBD)	Regulation changes effective.

Purpose and Need statements

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

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

Actions in the Amendment

Action 1. Establish a private recreational permit requirement in the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

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

Other AP Comments and Recommendations:

- The **Permitting and Reporting AP** and **Law Enforcement AP** both have recommended that the Council consider a vessel-based permit (**Alternative 2**).
 - Noted that the logistics of issuing the permit are easier due to far fewer permits issued compared to an angler-base permit and a vessel-based permit is easier to verify on the water or at the ramp which aids in sampling and enforcement.
 - From a technical perspective an angler-based permit could be useful but a vessel-based permit would be preferable and could lead to comparatively more improvement in the estimates of recreational catch and effort data.
- The Council has weighed the potentially better technical outcomes of a vessel-based permit against the need to integrate a permit with an education component, which potentially lends itself better to being angler-based.
 - The Council has tentatively chosen an angler-based permit (**Preferred Alternative 3**) as their preferred alternative.
 - This could still change before final approval of the amendment.

AP Discussion Questions:

- 1) In the Council’s discussion of **Action 1**, concern has been raised over situations where a vessel owner is not onboard or the owner may be a corporate entity. This is particularly the case for rental vessels or boating club vessels, which have become more common in recent years.
 - a) How prevalent are rental vessels or boat club vessels in your region?
 - i) Do you feel like the number of such vessels has grown substantially?
 - ii) Do you feel like these vessels often are used in the snapper grouper fishery in federal waters (i.e. beyond 3 miles from shore)?
 - b) Do you have concerns over a vessel-based permit when it comes to rental or boating clubs vessels that may be used in the snapper grouper fishery?
- 2) Please discuss the integration of a permit requirement with an education requirement.
 - a) Given the nature of a permit potentially lending itself more to being vessel-based while an education requirement lends itself more to an angler-based approach, does the AP have recommendations for the Council on **Action 1**?
- 3) Are there any other permit-related considerations that the AP would like to bring to the Council’s attention?

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

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

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

Discussion:

- The Council has the option to select multiple alternatives as preferred to capture different groups of species.
- **Alternatives 2 through 4** address the species would be covered by the permit (**Table 1**).
 - **Preferred Alternative 2** would cover all snapper grouper species found within the management unit (55 species).
 - **Alternative 3** would cover the species that fall under the Florida State Reef Fish Survey (13 species).
 - **Alternative 4** would cover species in the deepwater complex and other deepwater species (10 species).

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

Species	FL SRFS	DW Species	Species	FL SRFS	DW Species
Black grouper	X		Cottonwick		
Gag	X		Cubera snapper		
Greater amberjack	X		Goliath grouper		
Hogfish	X		Gray snapper		
Mutton snapper	X		Graysby		
Red grouper	X		Jolthead pogy		
Red snapper	X		Knobbed pogy		
Vermilion snapper	X		Lane snapper		
Yellowtail snapper	X		Longspine pogy		
Banded rudderfish	X		Margate		
Lesser amberjack	X		Nassau grouper		
Gray triggerfish	X		Ocean triggerfish		

Almaco jack	X		Red hind		
Yellowedge grouper		X	Red porgy		
Silk snapper		X	Rock hind		
Misty grouper		X	Rock sea bass		
Sand tilefish		X	Sailor's choice		
Queen snapper		X	Saucereye porgy		
Blackfin snapper		X	Scamp		
Blueline tilefish		X	Scup		
Golden tilefish		X	Speckled hind		
Snowy grouper		X	Tomtate		
Wreckfish		X	Warsaw grouper		
Atlantic spadefish			White grunt		
Bank sea bass			Whitebone porgy		
Bar Jack			Yellowfin grouper		
Black sea bass			Yellowmouth grouper		
Coney					

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

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

Other AP Comments and Recommendations:

- The **Snapper Grouper AP**, **Permitting and Reporting AP**, and **Law Enforcement AP** have all recommended that the Council consider including all snapper grouper species under the permit (**Preferred Alternative 2**).
 - The **Snapper Grouper AP** noted that choosing all species in the snapper grouper complex could make it easier for permit holders to comply with the permit requirement since they would not need to decipher which of the species fall under the permit and which do not.
 - The **Permitting and Reporting AP** noted that there is little downside to including all species and doing so would increase the utility of the permit. There are also notable downsides to expanding the list of species in the future.
 - The **Law Enforcement AP** stated that including all snapper grouper species would make the permit more easily enforced and ease compliance.

AP Discussion Questions:

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

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

Purpose of the Action: This action is necessary to require an education component for private recreational permit holders. The action also clarifies whether the implementation of the required education component would be delayed from the implementation of the private recreational permit.

Alternative	Establish and require an education component in conjunction with a private recreational snapper grouper permit. The education component would be:
Alternative 1 (No Action)	Not required.
Alternative 2	<u>Required before initial issuance</u> of a private recreational permit.
Alternative 3; Sub-Alternative 3a	<u>Implemented after</u> the private recreational permit requirement has been established. Completion of the education component would be required <u>before initial reissuance of the permit.</u>
Alternative 3; Sub-Alternative 3b	<u>Implemented after</u> the private recreational permit requirement has been established. Completion of the education component would be required <u>when permit holders are required to complete the education component by the issuing permit authority.</u>

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

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

Alternative	Completion of the education component would be required:
Alternative 1 (No Action)	Not required.
Alternative 2	<u>Upon each issuance</u> of a private recreational snapper grouper permit.
Alternative 3	<u>Every other year</u> upon issuance of a private recreational snapper grouper permit.
Alternative 4	<u>One time upon initial issuance</u> of a private recreational snapper grouper permit.
Alternative 5	<u>Upon initial issuance</u> of a private recreational snapper grouper permit <u>and each time education component materials are updated.</u>

Discussion:

- At the March 2024 meeting, the Council held a discussion of the general contents of education materials. The Council indicated wanting to avoid education materials that directly reference regulations that may be subject to regular change. The general contents of education materials may include:

- Species ID
- Species in the Snapper Grouper FMU
- Best fishing practices
- MPA and SMZs locations and regulations
- Basic regulations
 - Descending device “rigged and ready” requirement
- How to properly measure a fish
- Resources to know regulations
- How to get involved
- Technical problem troubleshooting
- If reporting is added in the future: How to use app or reporting mechanism. How to record information and report properly.

Other AP Comments and Recommendations:

- **The Permitting and Reporting AP:**
 - An education requirement or certification may not be necessary or required on an annual basis, thus such a requirement would not be an adequate substitute for a permit.
 - An education requirement would pair well with a permit, potentially in the initial issuance or renewal process.
 - If a permit is vessel-based, the details need to be specified regarding who must obtain the education certificate. Vessel owner? Vessel operator? Other?
- **The Snapper Grouper AP** noted strong support for establishing an education requirement as soon as possible. Development of the requirement should get underway soon, as the education materials need to be streamlined and working when the permit requirement goes into place.
- **The Law Enforcement AP** noted that an education requirement should apply when the permit is issued rather than a delayed implementation.
 - Ideally each angler would need to take the education module, but if vessel-based it is still enforceable.
- **The Outreach and Communications AP:**

Program Content and Structure

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

Existing Programs

- Return ‘Em Right – interactive and includes free gear.

- Use as a model. Good example for content, structure, and evaluation.
- FL Sea Grant
- FWC Skyway Course (example)
- Online course via FishSmart
- GADNR Shellfish Harvesters (available online with tech support)

Other Comments/Recommendations

- If a vessel permit, could others take the course?
 - It would be helpful to allow as many anglers as possible to take the education course. Data focused improvements on vessel and permit related measures may be separated from the education requirement.

AP Discussion Questions:

- 1) Does the AP have comments on the list of topics that may be covered?
 - a. What topics or content does the AP feel would be most important for educating anglers?
- 2) If an education course is developed, what is the optimal length of time for a course?
- 3) Does the AP have a recommendation for the Council to consider on **Action 3** or **Action 4**?

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

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

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

Other AP Comments and Recommendations:

- The **Permitting and Reporting AP:**
 - There are no compatibility concerns since there is only a permitting requirement being considered without reporting and any permit would cover the Exclusive Economic Zone (EEZ).
 - The criteria for the state-based permits need to match the federal criteria.
 - Having some states rely on the federal permit while others develop a state-based equivalent permit would create a potential issue if mandatory reporting is implemented in the future.
- The AP recommends **Alternative 2, Sub-alternatives 2a, 2b, 2c, and 2d in Action 5.**
- The **Snapper Grouper AP:**
 - Funding is going to be an issue for states. It would be beneficial for the states to receive federal funding in support of a state-issued private recreational snapper grouper permit.
 - What would a federal permit requirement look like in the state of Florida given the existing State Reef Fish Angler designation? If the federal requirements do not align with the current state requirements, would anglers still need to get both a federal and state permit?
- The **Law Enforcement AP:**
 - Possible issues with vessels landing in different states so it would be better to have one permit for the EEZ.

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

AP Discussion Questions:

- 1) Are there any state exemption related considerations that the AP would like to bring to the Council's attention?
- 2) Does the AP have a recommendation for the Council to consider on **Action 5**?