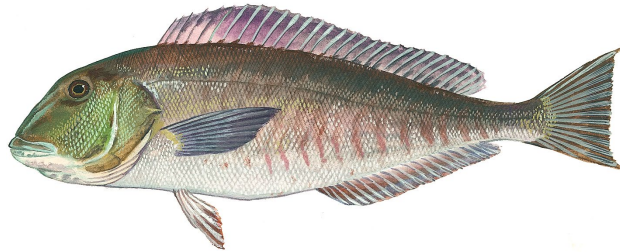


# Abbreviated Framework Amendment 3

to the Fishery Management Plan for the  
Snapper Grouper Fishery of the South Atlantic Region



## Annual Catch Limit and Annual Catch Target Adjustment for South Atlantic Blue Line Tilefish



**Including a Regulatory Impact Review and  
Regulatory Flexibility Act Analysis**

**February 10, 2020**

A publication of the South Atlantic Fishery Management Council pursuant to  
National Oceanic and Atmospheric Administration  
Award Number FNA10NMF4410012

## **Abbreviations and Acronyms Used in the FMP Document**

<b>ABC</b>	acceptable biological catch
<b>ACL</b>	annual catch limit
<b>ACT</b>	annual catch target
<b>AM</b>	accountability measure
<b>AP</b>	advisory panel
<b>BSIA</b>	best scientific information available
<b>CHTS</b>	Coastal Household Telephone Survey
<b>DPS</b>	distinct population segment
<b>EA</b>	environmental assessment
<b>E.O.</b>	Executive Order
<b>FES</b>	Fishing Effort Survey
<b>FMP</b>	fishery management plan
<b>LBS WW</b>	pounds whole weight
<b>MRIP</b>	Marine Recreational Information Program
<b>MSA</b>	Magnuson-Stevens Fishery Conservation and Management Act
<b>NMFS</b>	National Marine Fisheries Service
<b>OFL</b>	overfishing limit
<b>PSE</b>	percent standard error
<b>RFA</b>	Regulatory Flexibility Act
<b>RIR</b>	regulatory impact review
<b>SAFMC</b>	South Atlantic Fishery Management Council
<b>SEDAR</b>	Southeast Data, Assessment, and Review
<b>SEFSC</b>	Southeast Fisheries Science Center
<b>SSC</b>	Scientific and Statistical Committee

## **Abbreviated Framework Amendment 3 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region**

---

**Proposed actions:**

Adjust the annual catch limits and  
recreational annual catch target for South  
Atlantic blueline tilefish

**Responsible Agencies and Contact Persons**

South Atlantic Fishery Management Council  
4055 Faber Place, Suite 201  
North Charleston, South Carolina 29405  
IPT lead: Roger Pugliese  
[roger.pugliese@safmc.net](mailto:roger.pugliese@safmc.net)

843-571-4366  
843-769-4520 (fax)  
[www.safmc.net](http://www.safmc.net)

National Marine Fisheries Service  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
<https://www.fisheries.noaa.gov/region/southeast>  
St. Petersburg, Florida 33701  
IPT lead: Mary Vara  
[mary.vara@noaa.gov](mailto:mary.vara@noaa.gov)

727-824-5305  
727-824-5308 (fax)

# Table of Contents

List of Tables .....	iv
Chapter 1. Introduction .....	1
1.1 What Action is Being Proposed? .....	1
1.2 Why is the South Atlantic Council Considering Action? .....	1
1.3 What is the Proposed Action and Potential Effects for Blueline Tilefish.....	3
1.3.1 Proposed Action.....	3
1.3.2 Biological Effects.....	5
1.3.3 Economic Effects .....	9
1.3.4 Social Effects .....	9
1.4 South Atlantic Council’s Rationale .....	10
Chapter 2. Regulatory Impact Review .....	12
Chapter 3. Regulatory Flexibility Act Analysis.....	15
3.1 Introduction.....	15
3.2 Statement of the Need for, Objective of, and Legal Basis for the Proposed Action .....	15
3.3 Description and Estimate of the Number of Small Entities to which the Proposed Action would Apply.....	16
3.4 Description of the Projected Reporting, Record-keeping and Other Compliance Requirements of the Proposed Action .....	17
3.5 Identification of All Relevant Federal Rules, which may Duplicate, Overlap or Conflict with the Proposed Action.....	17
3.6 Significance of Economic Impacts on a Substantial Number of Small Entities .....	17
3.7 Description of the Significant Alternatives to the Proposed Action and Discussion of How the Alternatives Attempt to Minimize Economic Impacts on Small Entities .....	18
Chapter 4. References .....	19
Appendix A: History of Recent Management of Blueline Tilefish .....	21

# List of Tables

Table 1.3.1. Proposed blueline tilefish OFLs and ABCs (lbs ww) in the South Atlantic Council’s jurisdiction for the areas south and north of Cape Hatteras, North Carolina, to the Virginia line and the combined total ABC for the South Atlantic, based on recommendations from the South Atlantic Council’s SSC based on SEDAR 50 (2017).....	4
Table 1.3.2. Current and proposed total ACLs and recreational ACT (lbs ww) for blueline tilefish in the South Atlantic. ....	4
Table 1.3.3. South Atlantic blueline tilefish commercial landings, ACLs, and closure dates in lbs ww from 2014-2018.....	7
Table 1.3.4. South Atlantic blueline tilefish recreational landings, ACLs, and closure dates in lbs ww from 2014-2018.....	7
Table 1.3.5. South Atlantic blueline tilefish OFLs, ABCs, ACLs, and total landings, in lbs ww from 2014-2018. ....	8

# Chapter 1. Introduction

## 1.1 What Action is Being Proposed?

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing changes to federal regulations for South Atlantic blueline tilefish through Abbreviated Framework Amendment 3 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP). The abbreviated framework action would adjust the annual catch limits (ACL) and recreational annual catch target (ACT) based on the acceptable biological catch (ABC) recommendations from the South Atlantic Council's Scientific and Statistical Committee (SSC).

## 1.2 Why is the South Atlantic Council Considering Action?

Blueline tilefish is a single genetic stock that ranges from the Mid-Atlantic coast to the northeastern Gulf of Mexico. The South Atlantic Council manages the population from the North Carolina/Virginia border southward to the jurisdictional line in the Florida Keys pursuant to the Snapper Grouper FMP. Due to increased fishing activity in the Mid-Atlantic, the final rule for Amendment 6 to the Tilefish FMP<sup>1</sup> (Amendment 6; 82 FR 52851, 11/15/17; MAFMC 2017) added blueline tilefish north of the North Carolina/Virginia border to the Mid-Atlantic Fishery Management Councils' (Mid-Atlantic Council) jurisdiction. Blueline tilefish was previously only managed by the South Atlantic Council.

In October 2017, a benchmark assessment (Southeast Data, Assessment, and Review, (SEDAR); SEDAR 50) of the Atlantic stock of blueline tilefish was completed using data through 2015. This assessment included blueline tilefish that are found in both the South Atlantic and the Mid-Atlantic Councils' jurisdictions.

### *South Atlantic Fishery Management Council*

- Responsible for conservation and management of fish stocks
- Consists of 13 voting members: 8 appointed by the Secretary of Commerce, 1 representative from each of the 4 South Atlantic states, the Southeast Regional Director of National Marine Fisheries Service (NMFS); and 4 non-voting members
- Responsible for developing fishery management plans and amendments under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and recommends actions to NMFS for implementation
- Management area is from 3 to 200 miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida through Key West with the exception of Coastal Migratory Pelagics, which is from New York to Florida, and Dolphin Wahoo, which is from Maine to Florida

<sup>1</sup> More information can be found here: <https://www.fisheries.noaa.gov/management-plan/tilefish-fishery-management-plan> and <http://www.mafmc.org/tilefish/>.

The South Atlantic Council's SSC reviewed results of SEDAR 50 (2017) at their October 2017 meeting and determined that the assessment constituted the best scientific information available (BSIA), and provided an updated ABC recommendation for blueline tilefish for the area south of Cape Hatteras, North Carolina. Based on the results of SEDAR 50 (2017), the National Marine Fisheries Service (NMFS) determined that blueline tilefish south of Cape Hatteras, North Carolina, was not undergoing overfishing and was not overfished. Moreover, the status of the stock was unknown north of Cape Hatteras due to insufficient data.

During December 2017, Southeast Fisheries Science Center (SEFSC) staff presented SEDAR 50 (2017) assessment results for blueline tilefish to the South Atlantic Council. The SEFSC indicated that due to data issues, blueline tilefish south of Cape Hatteras, North Carolina, was assessed separately from the population north of Cape Hatteras using an age-aggregated production model, which gave estimates of the overfished and overfishing status for that portion of the stock. At the same meeting, the South Atlantic Council's SSC provided an ABC recommendation for the area south of Cape Hatteras, North Carolina. A data-limited model was used for the blueline tilefish population north of Cape Hatteras, and due to the limitations of the ABC control rule, the South Atlantic Council's SSC was unable to provide an ABC recommendation for this portion of the stock. Therefore, both Councils' SSCs, along with analysts from SEDAR 50 (2017), formed a joint workgroup (ABC workgroup) whose task was to look into methods for deriving a viable ABC estimate and scientific methods for splitting the ABC north of Cape Hatteras between the two Council jurisdictions.

The Mid-Atlantic Council's SSC reviewed results of the ABC workgroup's<sup>2</sup> recommendation at their March 2018 meeting, and the South Atlantic Council's SSC reviewed the results during their May 2018 meeting. In June 2018, the South Atlantic Council received their SSC's recommendations on the ABC for blueline tilefish; however, further development of management measures through Amendment 38<sup>3</sup> to the Snapper Grouper FMP were delayed by other priorities.

At their October 2018 meeting, the South Atlantic Council's SSC was presented with the results of the revised SEDAR 50 (2017) blueline tilefish stock assessment that utilized the newly calibrated Marine Recreational Information Program (MRIP) data using the Fishing Effort Survey (FES) in place of the original Coastal Household Telephone Survey (CHTS). The South Atlantic Council's SSC was scheduled to further review results from the revision assessment for blueline tilefish during a webinar on January 25, 2019. However, due to the government

---

<sup>2</sup> The working group recommended the following:

1: The South Atlantic Council's SSC agrees with the Mid-Atlantic Council's SSC that the output of the DLMTTool Analysis is an estimate of overfishing limit (OFL), not ABC. The SSC has decided to split the OFL that came from the DLMTTool Analysis using the allocation derived from the fishery-independent longline survey and then apply their ABC control rule to derive the ABC for the portion from Cape Hatteras to the NC/VA border (ABC = 55,968 lbs ww).

2. Given all the uncertainties, the South Atlantic Council's SSC accepted the 56% of the north of Cape Hatteras ABC to the Mid-Atlantic Council and 44% to the South Atlantic Council split that was calculated using the independent survey. This method should be used for 3 years and then should be re-evaluated at that time. The South Atlantic Council's SSC is unable to determine status of the portion of the blueline tilefish stock north of Cape Hatteras due to lack of data and means to estimate benchmarks.

<sup>3</sup> See Appendix A for more information about the development of Amendment 38 to the FMP.

furlough during January 2019, the webinar was rescheduled, and took place on February 25, 2019. At their April 2019 meeting, based on the review, the South Atlantic Council's SSC did not deem the revised assessment (including the MRIP's FES data) useful for making catch level recommendations and reaffirmed their previous ABC recommendations from SEDAR 50 (2017) and the blueline tilefish ABC workgroup. During their June 2019 meeting, the South Atlantic Council discussed moving forward to adjust fishing levels for blueline tilefish in the South Atlantic based on their SSC's blueline tilefish ABC recommendation for the South Atlantic region developed as part of SEDAR 50 (2017), in combination with the SSC-approved ABC workgroup recommendation for the area north of Cape Hatteras, North Carolina.

An expedited framework procedure, modified through Amendment 27 to the Snapper Grouper FMP (SAFMC 2013) can be used to adjust ABCs, ACLs, and ACTs for snapper grouper species. The expedited framework procedure requires changes be made according to the existing ABC control rule and formulas for specifying ACLs and ACTs that have been approved by the South Atlantic Council and were implemented in a plan amendment to the Snapper Grouper FMP. At their June 2019 meeting, the South Atlantic Council decided to move forward with Abbreviated Framework Amendment 3 to the Snapper Grouper FMP rather than continuing development of Amendment 38 to adjust the ACLs for blueline tilefish.

## **1.3 What is the Proposed Action and Potential Effects for Blueline Tilefish?**

### **1.3.1 Proposed Action**

Regulatory Amendment 25 to the Snapper Grouper FMP (SAFMC 2016) set the stock overfishing limit (OFL) for blueline tilefish in the South Atlantic at 226,500 pounds whole weight (lbs ww). It also specified the SSC's ABC recommendation of the equilibrium yield at 75%F<sub>MSY</sub> of 224,100 lbs ww. The optimum yield and the total ACL for blueline tilefish in the South Atlantic were set equal to 78% of the stock ABC (equal to 174,798 lbs ww) to account for landings in the Mid-Atlantic region. Blueline tilefish landings from the Mid-Atlantic were accounted for during the ABC workgroup's discussions in 2018 that generated the proposed recommended ABC for the area between Cape Hatteras and the North Carolina/Virginia border.

The proposed OFL for blueline tilefish in the South Atlantic would be changed through this abbreviated framework action, based on SEDAR 50 (2017), to 328,985 lbs ww. The total ABC of 233,968 lbs ww, for 2020 through 2022 until modified (**Table 1.3.1**) would be based on the sum of the ABC from areas south and north of Cape Hatteras, North Carolina, which was the recommendation of the South Atlantic Council's SSC. The total ACL would equal the total ABC (South Atlantic) (**Tables 1.3.1** and **1.3.2**). Applying existing sector allocations of 50.07% commercial and 49.93% recreational to the total ACL would provide a commercial ACL of 117,148 lbs ww and a recreational ACL of 116,820 lbs ww (**Table 1.3.2**). The recreational ACT is based on the ACT equation where the recreational ACT is equal to the recreational ACL\*(1-Percent Standard Error (PSE)) or recreational ACL\*0.5, whichever is greater. The recreational ACT would be 70,886 lbs ww (**Table 1.3.2**).



**Table 1.3.1.** Proposed blueline tilefish OFLs and ABCs (lbs ww) in the South Atlantic Council's jurisdiction for the areas south and north of Cape Hatteras, North Carolina, to the Virginia line and the combined total ABC for the South Atlantic, based on recommendations from the South Atlantic Council's SSC based on SEDAR 50 (2017).

Year	South of Cape Hatteras, NC		North of Cape Hatteras, NC		Total South Atlantic	
	OFL	ABC	OFL	ABC	OFL	ABC
<b>2020-2022</b>	225,000	178,000	103,985	55,968	328,985	233,968

**Table 1.3.2.** Current and proposed total ACLs and recreational ACT (lbs ww) for blueline tilefish in the South Atlantic. The total ACL equals ABC, and sector allocations are 50.07% commercial and 49.93% recreational. The recreational ACT is based on the ACT equation where the recreational ACT is equal to the recreational ACL\*(1-PSE) or recreational ACL\*0.5, whichever is greater.

	Total South Atlantic ACL	Commercial ACL	Recreational ACL	Recreational ACT
<b>Current (2019)</b>	174,798	87,521	87,277	54,653
<b>Proposed</b>	233,968	117,148	116,820	70,886

YEAR	PSE*
2014	32.91%
2015	51.25%
2016	42.90%
2017	41.69%
2018	27.84%
<b>Avg.</b>	<b>39.32%</b>

\*The PSE is a measure of precision presented for recreational estimates. The higher the PSE, the less precise the estimate. The average PSE value for the most recent 5 complete years of recreational data are used in the equation.

This abbreviated framework amendment would set the blueline tilefish total ACL equal to the SSC's recommended ABC; however, the ACL was set below the ABC in Amendment 32 and Regulatory Amendment 25 to the Snapper Grouper FMP (SAFMC 2014a and SAFMC 2016, respectively). National Standard 1 (NS 1) guidelines specify that fishery management councils can account for management uncertainty by setting the ACL below the ABC; however, Figure 2 from the NS 1 guidelines (74 FR 3178, January 16, 2009) illustrates that the ACL may typically be set very close to ABC. Amendment 32 set the blueline tilefish ACL at 98% of the ABC to account for landings that were occurring north of the South Atlantic Council's area of jurisdiction. At the time, an examination of the landings indicated that approximately 2% of blueline tilefish landings originated in the Mid-Atlantic region, north of the North Carolina/Virginia border. Subsequently, Regulatory Amendment 25 set the South Atlantic blueline tilefish ACL at 78% of the ABC based on the ratio of landings between the South Atlantic and the Mid-Atlantic region from 2011-2014.

Setting the ACL below the ABC in Amendment 32 and Regulatory Amendment 25 were intended as a temporary measure to account for landings outside the South Atlantic Council's

jurisdiction; hence, the purpose was not to account for management uncertainty related to fishing activity within the South Atlantic Council's area of jurisdiction. Furthermore, blueline tilefish landings that occurred north of the North Carolina/Virginia border prior to 2017 were accounted for in the recommended catch levels from SEDAR 50 (2017).

Nonetheless, management uncertainty associated with monitoring landings of blueline tilefish and other snapper grouper species has decreased in recent years. With vastly improved commercial monitoring mechanisms implemented in the region, repeated commercial ACL overages are unlikely. The Joint Dealer Reporting Amendment implemented in 2014 (SAFMC 2014b), has increased the required reporting frequency for dealers to once per week, and requires a single dealer permit for all finfish dealers in the Southeast Region. Furthermore, the Joint Generic Charter/Headboat Reporting Amendment (Amendment 39 to the Snapper-Grouper FMP, SAFMC 2014c), also implemented in 2014, requires all federally permitted headboats in the South Atlantic to report landings information electronically and on a weekly basis. The new Commercial Landings Monitoring system and actions in the Joint Dealer Reporting and Generic Charter/Headboat Reporting amendments have provided more timely and accurate data reporting and have reduced the incidence of quota overages and management uncertainty. Improvements to recreational reporting requirements through the implementation of electronic reporting for for-hire vessels (Amendment 39 to the Snapper-Grouper FMP, currently under rulemaking), is expected to contribute to better recreational landings data and closure estimates.

### 1.3.2 Biological Effects

This abbreviated framework action would set the total ACL equal to the ABC recommended by the South Atlantic Council's SSC. The SSC's recommended ABC is the combined ABC values from south of Cape Hatteras, North Carolina, and from Cape Hatteras to the North Carolina/Virginia border (**Table 1.3.1**). Figure 2 of the 2009 MSA NS 1 guidelines (74 FR 3178) illustrates that an ACL may typically be set very close to the ABC. Setting ACL below ABC would be appropriate in situations where there is uncertainty in whether or not management measures are constraining fishing mortality to target levels. As previously discussed, the Joint Dealer Reporting Amendment (SAFMC 2014b) and the Joint Generic For-Hire Reporting Amendment (SAFMC 2014c), which were implemented in 2014 (see **Section 1.3.1**), have provided more timely and accurate reporting of landings and reduced the incidence of quota overages, as well as management uncertainty for the commercial sector in the snapper grouper fishery. Improvements to recreational reporting requirements through the implementation of electronic reporting for for-hire vessels (currently under rulemaking), is expected to contribute to better recreational landings data and closure estimates.

The NMFS September 2019 Quarterly Update on the Report to Congress on the Status of U.S. Fisheries indicates that blueline tilefish in the South Atlantic is not undergoing overfishing and is not overfished<sup>4</sup>. Increasing blueline tilefish catch levels as proposed in Abbreviated Framework 3 would not be expected to result in negative biological impacts since overall catch would be constrained to the ACL and accountability measures (AMs) would prevent the ACL and OFL from being exceeded, correct for overages if they occur (if the stock is in an overfished condition), and prevent overfishing. In addition, the proposed increase in the total ACL for blueline tilefish is based on the SSC's recommended ABC for blueline tilefish in the South Atlantic region. BSIA from SEDAR 50 (2017) indicates that the blueline tilefish ACL can be increased without having negative effects on the sustainability of the stock. Furthermore, since the magnitude of the proposed increase in the ACL is relatively small (~59,000 lbs ww), a substantial increase in fishing effort is not expected.

*Expected Closure Dates of the Commercial and Recreational Sectors under Proposed ACLs*

Since 2014, commercial harvest of blueline tilefish has closed between April and August because in-season AMs were triggered to prevent the ACL from being exceeded (**Table 1.3.3**). Assuming there is no increase in fishing effort, the proposed increased commercial ACL under the proposed action is expected to extend future fishing seasons. However, recent changes to blueline tilefish management measures and recent in-season closures would make any commercial season length analysis highly uncertain; hence, only qualitative discussion is presented here.

**Blueline Tilefish Life History**  
*An Overview*

- Occurs in the Western and Mid-Atlantic Ocean, from Massachusetts to southern Florida and Mexico, including the Gulf of Mexico
- Waters ranging from (98-774 feet) and feed on benthic invertebrates and fishes
- Can live for 43 years
- Spawning occurs at night from March to October, with a peak in May
- Additional information on blueline tilefish biology can be found in Regulatory Amendment 27 to the FMP (SAFMC 2018)

---

<sup>4</sup> <https://www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates>

**Table 1.3.3.** South Atlantic blueline tilefish commercial landings, ACLs, and closure dates in lbs ww from 2014-2018.

Year	Landings (lbs ww)	ACL	ACL%	Closed
2018	93,128	87,521	106.4	8/22/2018
2017	85,536	87,521	97.7	7/18/17; Re-opened 10/24/17-11/1/17
2016	97,798	87,521	111.7	6/1/16; Re-opened 7/13/16; 8/30/16
2015	78,900	17,841	442.2	4/7/2015
2014	156,371	112,207	139.4	6/23/2014

Source: Southeast Fisheries Science Center commercial ACL dataset (10/23/18) and in-season monitoring. Note: 2018 landings are preliminary.

The recreational sector for blueline tilefish is closed to harvest in the South Atlantic from January 1 through April 30, and September 1 through December 31, each year. Prior to 2014, blueline tilefish was managed as part of the deepwater complex. Since 2016, the recreational ACL of 87,277 lbs ww has been exceeded (**Table 1.3.4**) but a closure has not occurred because in-season recreational landings are typically not available until after the fishing season (May through August) concludes. However, compared to the recent estimated recreational landings, the proposed increase in the recreational ACL could reduce the likelihood that the ACL would be met during the fixed May through August fishing season, triggering an AM. Additionally, as discussed in **Section 1.3.1**, the Joint Generic Charter/Headboat Reporting Amendment (SAFMC 2014c), requires all federally permitted headboats in the South Atlantic to report landings information electronically and on a weekly basis is expected to contribute to better recreational landings data and closure estimates. The South Atlantic Council is also considering modifications to recreational AMs for snapper grouper species in Regulatory Amendment 31 to the Snapper Grouper FMP (under development), which could improve management of the recreational sector for deep-water species, such as blueline tilefish.

**Table 1.3.4.** South Atlantic blueline tilefish recreational landings, ACLs, and closure dates in lbs ww from 2014-2018.

Year	Landings (lbs ww)	ACL	ACL%	Closed
2018	116,597	87,277	133.6	-
2017	153,875	87,277	176.3	-
2016	185,539	87,277	212.6	-
2015	44,866	17,791	252.2	6/10/2015
2014	85,883	111,893	76.8	-

Source: SEFSC recreational MRIP CHTS ACL dataset (7/25/19).

Despite recent recreational and commercial sector overages, total South Atlantic blueline tilefish landings in 2018 did not exceed the OFL or the ABC (**Table 1.3.5**). The proposed increases in the OFL and ABC, and the recreational and commercial ACLs can be expected to extend future fishing seasons and make it less likely that the ACL would be met and an AM is triggered. If a closure were to occur during the open recreational season (May through August) or during the commercial season, there is a chance that there would be blueline tilefish regulatory

discards when fishermen target co-occurring species like snowy grouper. Thus, the biological effects of the increased recreational and commercial ACLs could be positive for blueline tilefish if the reduction in regulatory discards also represents a reduction in fishing effort. However, biological effects could be neutral if fish that were formerly discarded dead were now retained. The proposed increase in the blueline tilefish recreational and commercial ACLs and associated increase in fishing effort could increase discards of co-occurring species if harvest for a co-occurring species was closed when blueline tilefish was open. However, the proposed increase in the ACLs is small, and any negative effects to co-occurring species would be expected to be minimal.

**Table 1.3.5.** South Atlantic blueline tilefish OFLs, ABCs, ACLs, and total landings, in lbs ww from 2014-2018.

	OFL	ABC	ACL	Total landings	OFL %	ABC %	ACL %
2018	226,500	224,100	174,798	209,725	92.6	93.6	120.0
2017	226,500	224,100	174,798	239,411	105.7	106.8	137.0
2016	226,500	224,100	174,798	283,337	125.1	126.4	162.1
2015	54,612	36,359	35,632	123,766	226.6	340.4	347.3
2014	2014 ACL was put in place through emergency rule (79 FR 21636 April 17 2014); no ABC or OFL was specified at that time.		224,100	242,254	N/A	N/A	108.1

Source: OFL and ABC: <https://www.st.nmfs.noaa.gov/sis/#no-back-button>

Thus, the proposed action is not expected to substantially change fishing effort or behavior in the blueline tilefish portion of the snapper grouper fishery. Therefore, no substantial adverse biological or population impacts are expected for blueline tilefish or other snapper grouper species due to bycatch.

### *Effects to Protected Species*

In the December 1, 2016, biological opinion on the snapper grouper fishery, NMFS concluded that the continued authorization of the fishery is not likely to jeopardize the continued existence of the North Atlantic right whale, loggerhead sea turtle Northwest Atlantic distinct population segment (DPS), leatherback sea turtle, Kemp's ridley sea turtle, green sea turtle North Atlantic DPS, green sea turtle South Atlantic DPS, hawksbill sea turtle, smalltooth sawfish U.S. DPS, or Nassau grouper. NMFS also concluded that the continued authorization of the snapper grouper fishery is not likely to adversely affect any other Endangered Species Act-listed species or designated critical habitat in the South Atlantic region, including newly listed giant manta rays and oceanic whitetip sharks.

This action would not modify the way in which the snapper grouper fishery is prosecuted in terms of gear types used. Additionally, the relatively small magnitude of the total ACL increase (~59,000 lbs ww) is not expected to result in changes to fishing behavior or effort that could translate into additional impacts to protected species. While an increased ACL has the potential to increase fishing effort, the small magnitude of the increase is not expected to increase effort in a way that could be distinguished from normal interannual variability in fishing effort.

Therefore, adverse effects to listed species or critical habitats that were not previously considered are not expected.

### **1.3.3 Economic Effects**

The proposed recreational ACL for blueline tilefish in Abbreviated Framework 3 would increase the allowable recreational harvest of blueline tilefish and thus would increase economic benefits for the recreational sector. As recreational catches of blueline tilefish increase, the recreational sector would experience positive economic effects due to increased consumer surplus that would be generated from additional landings of blueline tilefish. Also, should the proposed recreational ACL lead to increased fishing activity, positive economic effects could be incurred by for-hire and other fishing related businesses due to increased angler expenditures and thus increased business revenue. Landings from the recreational sector have met or nearly met the proposed sector ACL for blueline tilefish in recent years (**Table 1.3.4**); therefore, it is assumed that the sector would be able to fully harvest the additional recreational ACL that would be made available by this action.

The proposed commercial ACL for blueline tilefish in Abbreviated Framework 3 would result in economic benefits realized by the commercial sector through increased revenue generated by additional landings of the species. In addition to the increase in revenue, the commercial sector may also experience indirect effects through a prolonged season for blueline tilefish under the proposed action, which would be beneficial for both those who harvest blueline tilefish as well as seafood dealers, as a longer season would provide a source of potential revenue for commercial participants during trips occurring later in the fishing year and additional product for seafood dealers to sell to and maintain customers. Landings from the commercial sector have met or nearly met the proposed sector ACL for blueline tilefish in recent years (**Table 1.3.3**); therefore, it is assumed that the sector would be able to fully harvest the additional commercial ACL that would be made available by this action.

### **1.3.4 Social Effects**

In general, management measures that increase the number of fish a fisherman can land are expected to be more beneficial to fishermen and fishing communities by increasing access to the resource, so long as overharvest is not occurring to negatively affect the stock in the long term. However, the ACL for any stock does not directly affect resource users unless the ACL is met or exceeded, in which case AMs that restrict or close harvest can result in negative direct social effects for commercial, for-hire, and private recreational fishermen. While the negative effects are usually short-term, they may at times induce other indirect effects through changes in fishing behavior or business operations that could have long-term social effects. Higher ACLs lower the possibility of triggering AMs and thus provide for greater short-term social benefits, assuming landings and effort information are up-to-date and accurate to allow sustainable harvest. Adjustments to an ACL based on updated information from a stock assessment would be the most beneficial in the long-term to fishermen and fishing communities, because ACLs would be based on current conditions.

The proposed blueline tilefish ACLs would increase access for the commercial and recreational sectors, which have both met or exceeded their sector ACLs in recent years (**Tables 1.3.3 and 1.3.4**). This has triggered AMs that have resulted in harvest closures, resulting in short-term negative effects to fishermen and fishing communities. Based on historical landings, it is expected that both sectors would be able to fully harvest their proposed ACL. The increase in access associated with a higher ACL is expected to be beneficial to commercial, for-hire, and private recreational fishermen and associated fishing communities because it may extend the fishing season longer than under the current ACL. By allowing additional harvest of blueline tilefish under an increased ACL there would be positive social effects associated with revenue generated for charter/headboat, retail business, and commercial businesses when compared to not revising the ACL.

Overall, if the revised ACL ensures sustainable harvest of blueline tilefish as envisioned, there would be long-term positive social effects throughout the blueline tilefish portion of the snapper grouper fishery in the form of consistent access to the resource.

## **1.4 South Atlantic Council's Conclusion**

### Public Comments and Recommendations.

A public hearing for this abbreviated framework amendment was held during the South Atlantic Council's December 2019 meeting. No written comments were received in advance of, or during, the public comment session.

The Snapper Grouper Advisory Panel (AP) received a briefing on this abbreviated framework amendment at their October 9-11, 2019, meeting. The AP had no comments or recommendations.

At their October 15-17, 2019, meeting, the South Atlantic Council's SSC discussed and reaffirmed their position that the OFL and ABC for the northern and southern portion of the stock would be combined to arrive at an overall OFL and ABC for blueline tilefish.

### The South Atlantic Council's Rationale for their Choice for Action.

The South Atlantic Council is adjusting fishing levels for blueline tilefish in the South Atlantic based on the SSC's updated ABC recommendation for the South Atlantic region developed as part of SEDAR 50 (2017), in combination with the approved ABC workgroup recommendations for the area north of Cape Hatteras, North Carolina.

The SSC's ABC recommendation is below the OFL for blueline tilefish in the South Atlantic to address scientific uncertainty. During their September and December 2019 meeting, the South Atlantic Council discussed the NS 1 guidelines regarding setting the ACL below the ABC. The South Atlantic Council reaffirmed their intent to set ACL equal to ABC considering the following factors that contribute to reducing management uncertainty: 1) ACLs, and commercial and recreational management measures for blueline tilefish, have been established in the Mid-

Atlantic region making the previously implemented 2% set-aside between the ACL and ABC in the South Atlantic unnecessary; 2) ABC recommendations for the area between Cape Hatteras, North Carolina, and the North Carolina/Virginia border account for previous blueline tilefish catches in the mid-Atlantic region; 3) changes to state regulations in Florida will improve regulatory consistency (effective July 1, 2019, the Florida Fish and Wildlife Conservation Commission, required a restricted species endorsement and a federal permit to commercially harvest blueline tilefish in Florida state waters); 4) improvements to recreational reporting requirements through the implementation of electronic reporting for for-hire vessels (currently under rulemaking), is expected to contribute to better recreational landings data and closure estimates, thus reducing management uncertainty; and 5) revisions to AMs for the recreational sector of the snapper grouper fishery through Regulatory Amendment 31 to the Snapper Grouper FMP (currently under development) to address uncertainty in the estimates of recreational catch and increase standardization of AMs across species, as well as improve predictability and stability of fishing seasons. These actions could improve management of the recreational sector for deep-water species, such as blueline tilefish.

The proposed action to adjust fishing levels for blueline tilefish in the South Atlantic region would best meet the objectives of the Snapper Grouper FMP, as amended, while complying with the requirements of the MSA and other applicable law.



# Chapter 2. Regulatory Impact Review

## Introduction

The National Marine Fisheries Service (NMFS) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest to satisfy our obligations under Executive Order (E.O.) 12866, as amended. In conjunction with the analysis of direct and indirect effects in the “Environmental Consequences” section of this Amendment, the RIR: 1) provides a comprehensive review of the level and incidence of impacts associated with a regulatory action; 2) provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives which could be used to solve the problem; and 3) 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 any proposed regulations are a "significant regulatory action" under certain criteria provided in E.O. 12866. In addition, the RIR provides some information that may be used in conducting an analysis of the effects on small entities pursuant to the Regulatory Flexibility Act (RFA). This RIR analyzes the effects this regulatory action would be expected to have on the recreational and commercial sectors of the South Atlantic snapper grouper fishery.

## Problems and Objectives

The problems and objectives for the proposed actions are presented in **Sections 1.1 and 1.2** of this amendment and are incorporated herein by reference.

## Description of Fisheries

A description of recreational and commercial sectors in the snapper grouper fishery of the South Atlantic region is provided in Vision Blueprint Regulatory Amendments 26 and 27 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region and is incorporated herein by reference (SAFMC 2018a, SAFMC 2018b, both currently under rulemaking).

## Effects of Management Measures

The revised recreational annual catch limit (ACL) for blueline tilefish would increase the allowable recreational harvest of blueline tilefish and thus would increase economic benefits for the recreational sector. As recreational catches of blueline tilefish increase, the recreational sector would experience positive economic effects due to increased consumer surplus that would be generated from additional landings of blueline tilefish. Also, should the proposed recreational ACL lead to increased fishing activity, positive economic effects could be incurred by for-hire and other fishing related businesses due to increased angler expenditures and thus increased business revenue. Landings from the recreational sector have met or nearly met the proposed

sector ACL for blueline tilefish in recent years; therefore, it is assumed that the sector would be able to fully harvest the additional recreational ACL that would be made available by this action.

The revised commercial ACL for blueline tilefish would result in economic benefits realized by the commercial sector through increased revenue generated by additional landings of the species. In addition to the increase in revenue, the commercial sector may also experience indirect effects through a prolonged season for blueline tilefish under the proposed action which would be beneficial for both those who harvest blueline tilefish as well as seafood dealers, as a longer season would provide a source of potential revenue for commercial participants during trips occurring later in the fishing year and additional product for seafood dealers to sell to and maintain customers. Landings from the commercial sector have met or nearly met the proposed sector ACL for blueline tilefish in recent years; therefore, it is assumed that the sector would be able to fully harvest the additional commercial ACL that would be made available by this action.

## Public 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 to the private sector are discussed in the effects of management measures. Estimated public costs associated with this action include:

South Atlantic Fishery Management Council (South Atlantic Council) costs of document preparation, meetings, public hearings, and information dissemination	\$10,000
NMFS administrative costs of document preparation, meetings and review	\$10,000
TOTAL	\$20,000

The estimate provided above does not include any law enforcement costs. Any enforcement duties associated with this action would be expected to be covered under routine enforcement costs rather than an expenditure of new funds. The South Atlantic Council and NMFS administrative costs directly attributable to this amendment and the rulemaking process would be incurred prior to the effective date of the final rule implementing this amendment.

## Net Benefits of Regulatory Action

It is important to specify the time period being considered when evaluating benefits and costs. According to the Office of Management and Budget's Frequently Asked Questions regarding Circular A-4,<sup>5</sup> "When choosing the appropriate time horizon for estimating costs and benefits, agencies should consider how long the regulation being analyzed is likely to have resulting effects. The time horizon begins when the regulatory action is implemented and ends when those effects are expected to cease. Ideally, analysis should include all future costs and benefits. Here as elsewhere, however, a 'rule of reason' is appropriate, and the agency should consider for how long it can reasonably predict the future and limit its analysis to this time

---

<sup>5</sup> See p. 4 at [https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a004/a-4\\_FAQ.pdf](https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a004/a-4_FAQ.pdf)

period. Thus, if a regulation has no predetermined sunset provision, the agency will need to choose the endpoint of its analysis on the basis of a judgment about the foreseeable future.”

For current purposes, the reasonably “foreseeable future” is considered to be the next 5 years. There are two primary reasons for considering the next 5 years the appropriate time period for evaluating the benefits and costs of this regulatory action rather than a longer (or shorter) time period. First, this regulatory action does not include a predetermined sunset provision. Second, based on the history of management in the snapper-grouper fishery in the South Atlantic, regulations such as those considered in this amendment are often revisited within 5 years or so.

The estimated non-discounted public costs resulting from the regulation are \$20,000 (2018 dollars). The costs resulting from the amendment and the associated rulemaking process should not be discounted as they will be incurred prior to the effective date of the final rule. There are no quantified net changes in economic benefits for this action. However, a qualitative analysis of the economic effects of this amendment, as discussed in **Section 1.3.2**, indicates a relatively large positive economic effects as to likely outweigh the quantified public cost. Based on these qualitative and quantitative analyses of economic effects, this regulatory action is expected to increase net benefits to the Nation.

## **Determination of Significant Regulatory Action**

Pursuant to E.O. 12866, a regulation is considered a “significant regulatory action” if it is likely 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, these actions have been determined to not be economically significant for the purposes of E.O. 12866.

# Chapter 3. Regulatory Flexibility Act Analysis

## 3.1 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 fishery management plan (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 practicable, 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.

Additional information on affected entities and expected economic effects of the proposed action may be found in Chapter 2.

## 3.2 Statement of the Need for, Objective of, and Legal Basis for the Proposed Action

The *purpose* of this abbreviated framework action is to update the annual catch limits (ACL) and recreational annual catch target for blueline tilefish in the South Atlantic region based on the

results of the most recent stock assessment. This abbreviated framework action addresses the need to ensure that ACLs for blueline tilefish management measures are based on the best scientific information available in order to achieve and maintain optimum yield and to prevent overfishing while minimizing, to the extent practicable, adverse social and economic effects.

The Magnuson-Stevens Fishery Conservation and Management Act provides the statutory basis for this proposed action.

### **3.3 Description and Estimate of the Number of Small Entities to which the Proposed Action would Apply**

The proposed action would directly affect federally permitted commercial fishermen fishing for blueline tilefish in the South Atlantic. Recreational anglers fishing for blueline tilefish would be directly affected by the proposed action, but anglers are not considered business entities under the RFA. For-hire vessels (charter vessels and headboats) would also be affected by this action, but only in an indirect way. For-hire businesses operate in the recreational sector, but these businesses only sell fishing services to recreational anglers. Even though expectations of successful fishing, however defined, likely factor into the decision by anglers to purchase these services, for-hire vessels provide a platform for the opportunity to fish and not a guarantee to catch or harvest any species. Because the effects on for-hire vessels would be indirect, they are outside the scope of the RFA. Therefore, the proposed action would directly affect only commercial vessels fishing for blueline tilefish in the South Atlantic.

For RFA purposes only, the National Marine Fisheries Service has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR § 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide.

As of October 7, 2019, there were 527 valid or renewable Federal South Atlantic snapper grouper unlimited permits and 104 valid or renewable 225-lb trip limited permits. From 2014 through 2018, an average of 143 vessels per year landed blueline tilefish in the South Atlantic. These vessels, combined, averaged 716 trips per year in the South Atlantic on which blueline tilefish were landed and 4,400 trips in the South Atlantic that did not land any blueline tilefish or trips that were taken outside the South Atlantic regardless of the species caught. The average annual total dockside revenues were approximately \$0.03 million from blueline tilefish, \$1.89 million from other species co-harvested with blueline tilefish (on the same trips), and \$8.95 million from trips in the South Atlantic on which no blueline tilefish were harvested or trips that occurred outside the South Atlantic regardless of the species caught. Total average annual revenue from all species landed by vessels harvesting blueline tilefish in the South Atlantic was approximately \$11.15 million, or \$78,000 per vessel. These vessels generated approximately 2.83% of their total fishing revenues from blueline tilefish.

Based on the foregoing revenue information, all commercial vessels affected by the proposed action may be considered to be small entities.

### **3.4 Description of the Projected Reporting, Record-keeping and Other Compliance Requirements of the Proposed Action**

No duplicative, overlapping, or conflicting Federal rules have been identified with this abbreviated framework amendment.

### **3.5 Identification of All Relevant Federal Rules, which may Duplicate, Overlap or Conflict with the Proposed Action**

The abbreviated framework amendment would not introduce any changes to reporting and record-keeping and other compliance requirements which are currently required.

### **3.6 Significance of Economic Impacts on a Substantial Number of Small Entities**

#### **Substantial Number of Small Entities Criterion**

All directly affected entities have been determined, for the purpose of this analysis, to be small entities. Therefore, the abbreviated framework amendment would affect a substantial number of small entities.

#### **Significant Economic Impact Criterion**

The outcome of “significant economic impact” can be ascertained by examining two issues: disproportionality and profitability.

Disproportionality: 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 directly affected by this abbreviated framework amendment are considered small entities, so the issue of disproportional effects on small versus large entities does not presently arise.

Profitability: Do the regulations significantly reduce profit for a substantial number of small entities?

The proposed action would increase the total ACL and consequently the commercial ACL for the South Atlantic blueline tilefish. The proposed commercial ACL would be increased from approximately 86,000 pounds whole weight (lbs ww) in 2019 to approximately 117,000 lbs ww in 2020 through 2022. This commercial ACL increase would be expected to increase revenues and likely profits. Therefore, the proposed action would not significantly reduce profit for a substantial number of small entities.

### **3.7 Description of the Significant Alternatives to the Proposed Action and Discussion of How the Alternatives Attempt to Minimize Economic Impacts on Small Entities**

The abbreviated framework amendment has only one alternative total (and commercial) ACLs for 2020 through 2022, in addition to the status quo, for the South Atlantic blueline tilefish. The proposed commercial ACL is based on the recommendation of the South Atlantic Fishery Management Council's Scientific and Statistical Committee.

Because the proposed action for blueline tilefish would result in revenue and likely profit increases and thus, would not result in significant adverse economic impacts to a substantial number of small entities, the issue of significant alternatives to the proposed action for blueline tilefish is not relevant.

## Chapter 4. References

MAFMC 2017. Amendment 6 to the Fishery Management Plan for the Tilefish Fishery of the Mid-Atlantic Region with Environmental Assessment, Initial Regulatory Flexibility Analysis. Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901.

SAFMC 2013. Amendment 27 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SAFMC 2014a. Amendment 32 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SAFMC 2014b. Modifications to Federally Permitted Seafood Dealer Reporting Requirements with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SAFMC 2014c. Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment (Amendment 39 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region) with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SAFMC 2016. Regulatory Amendment 25 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SAFMC 2018a. Vision Blueprint Regulatory Amendment 26 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SAFMC 2018b. Vision Blueprint Regulatory Amendment 27 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental



Assessment, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.

SEDAR. 2017. SEDAR 50 – Atlantic Blueline Tilefish Assessment Report. SEDAR, North Charleston SC. 542 pp. available online at: <http://sedarweb.org/sedar-50>.

# Appendix A: History of Recent Management of Blueline Tilefish

## **Emergency Action, Regulatory Amendment 21, and Amendment 32**

In 2013, a Southeast Data, Assessment, and Review (SEDAR; SEDAR 32 (2013)) stock assessment was conducted that applied to the blueline tilefish stock along the entire U.S. east coast. SEDAR 32 (2013) used data through 2011 and found the stock of blueline tilefish in the Atlantic to be overfished and undergoing overfishing. The South Atlantic Fishery Management Council's (South Atlantic Council) Scientific and Statistical Committee's (SSC) recommended an acceptable biological catch (ABC) of 224,100 lbs whole weight (ww), referred to as the "stock" ABC. At their December 2013 meeting, the South Atlantic Council initiated development of Amendment 32 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) (Amendment 32) and voted to request emergency action to reduce overfishing of blueline tilefish immediately while Amendment 32 was being developed.

- The **emergency rule** for the Snapper Grouper FMP, which was effective on April 17, 2014 (74 FR 21636), temporarily set the blueline tilefish annual catch limit (ACL) at the yield at 75 percent of the fishing mortality (F) that produces the maximum sustainable yield (MSY) ( $75\%F_{MSY} = 224,100$  pounds whole weight (lbs ww)).
- **Regulatory Amendment 21** to the Snapper Grouper FMP (SAFMC 2014a), effective on November 6, 2014, changed the definition of the minimum stock size threshold (MSST) for several snapper grouper species with low natural mortality, including blueline tilefish. Under the revised definition ( $MSST = 75\% SSB_{MSY}$ ), the blueline tilefish stock was no longer considered overfished.
- **Amendment 32** to the Snapper Grouper FMP (SAFMC 2014b), effective on March 30, 2015, removed blueline tilefish from the Deepwater Complex, and established the ACL for blueline tilefish at 98% of the ABC. The South Atlantic Council specified a buffer of 2% to account for landings north of North Carolina based on average landings at the time. The ABC was based on projections at the recommended  $P^*$  level according to the South Atlantic Council's ABC control rule. The commercial and recreational ACLs were specified based on existing sector allocations (50.07% commercial and 49.93% recreational).

However, although the blueline tilefish stock was assessed as one stock along the entire U.S. east coast, regulations resulting from the final rule for Amendment 32 only applied to vessels in the South Atlantic Council's area of jurisdiction. Both the South Atlantic Council and the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) were concerned about rapidly increasing commercial and headboat/charter landings of blueline tilefish north of the North Carolina/Virginia boundary, particularly in New Jersey. In response, both the South Atlantic and Mid-Atlantic Councils requested NMFS take emergency action north of the South Atlantic Region.

### **Emergency Action in the Mid-Atlantic**

In February 2015, in response to reports from increased blueline tilefish landings north of North Carolina, the Mid-Atlantic Council requested that the National Marine Fisheries Service (NMFS) take emergency action to implement a commercial trip limit of 300 lbs ww and a recreational possession limit of seven fish per person within its jurisdiction. The Mid-Atlantic Council also initiated development of an amendment to their Golden Tilefish FMP to include blueline tilefish in the Fishery Management Unit (FMU) and implement permanent management measures before the emergency rule regulations expired.

At the March 2015 South Atlantic Council meeting, the South Atlantic Council voted to request NMFS take emergency action to apply the Amendment 32 measures north of the North Carolina/Virginia border. Representatives from the Mid-Atlantic Council attended this meeting. The South Atlantic Council's request was contingent on their SSC review of SEDAR 32's applicability to the area north of North Carolina; that SSC review was scheduled to occur at the SSC's April 2015 meeting. At their April 2015 meeting, the SSC (including members who are also on the Mid-Atlantic Council's SSC) determined that the SEDAR 32 assessment constituted the best scientific information available and should be applicable to the blueline tilefish stock throughout its range along the U.S. east coast. Therefore, on May 6, 2015, the South Atlantic Council Chair submitted an emergency rule request to NMFS that reflected the South Atlantic Council's motion passed at their March 2015 Council meeting.

On June 4, 2015, NMFS approved the Mid-Atlantic Council's request for emergency action to control harvest of blueline tilefish and reduce the risk of overfishing on this stock, and implemented a commercial trip limit of 300 lbs ww and a recreational possession limit of seven fish per person. On November 30, 2015, the emergency rule was extended through June 3, 2016, giving the Mid-Atlantic Council time to develop long-term management measures for blueline tilefish in Federal waters north of the Virginia and North Carolina border.

In September 2015, the South Atlantic Council's SSC raised concerns about the utility of projections from SEDAR 32 (2013) in specifying the ABC and concluded that the ABC projections did not represent the best scientific information available and were not adequate to support blueline tilefish fishing level recommendations for either current or future years. Based on that determination, the South Atlantic Council's SSC revised their blueline tilefish ABC recommendation to set the ABC at the equilibrium yield at  $75\%F_{MSY}$ , equal to 224,100 lbs ww for 2016 and 2017, for blueline tilefish along the entire U.S. east coast based on results of the SEDAR 32 (2013) stock assessment. The 224,100 lbs ww was also the ACL contained in the emergency rule issued in April 2014 while the South Atlantic Council developed Amendment 32 to implement fishing levels based on the SEDAR 32 (2013) projections. The South Atlantic Council accepted the SSC's recommendations and determined that this revised ABC, referred to as the "stock ABC," was sufficient to prevent overfishing of blueline tilefish. In a letter to the South Atlantic Council dated October 23, 2015, NMFS stated that it would not implement the South Atlantic Council's emergency rule request. NMFS's justification for not implementing the request, as stated in the letter, was based on the following: the South Atlantic Council's SSC had increased their recommendation for the blueline tilefish ABC; the South Atlantic Council was intending to move forward with a framework amendment (Regulatory Amendment 25 to the Snapper Grouper FMP) to implement less restrictive management measures and catch levels for

blueline tilefish in the South Atlantic; and temporary measures via an emergency rule were already in place to limit blueline tilefish harvest in the Mid-Atlantic.

### **Regulatory Amendment 25 to the Snapper Grouper FMP**

Also in September 2015, the South Atlantic Council's Snapper Grouper Committee reviewed an Options Paper for Amendment 38 to the Snapper Grouper FMP, to extend the blueline tilefish fishery management FMU north of the North Carolina and Virginia border and adjust fishing levels to account for landings in the area north of the South Atlantic Council's jurisdiction<sup>6</sup>. However, the South Atlantic Council opted to not move forward with development of Amendment 38 at the time pending the completion of studies on the stock structure of blueline tilefish and to allow time for the Mid-Atlantic Council to develop a management strategy for blueline tilefish in their jurisdiction. Instead, actions to adjust fishing levels for blueline tilefish (based on the SSC's recommendations) and revise management measures were moved to Regulatory Amendment 25. Alternatives in Regulatory Amendment 25 provided percentages to deduct from the recommended ABC to account for blueline tilefish landings in the area north of the South Atlantic Council's jurisdiction (north of the North Carolina/Virginia border). Based on a comparison of the landings between the South Atlantic and Greater Atlantic Regions (Maine through Virginia) which indicated that 22 percent of the landings from 2011–2014 originated in the Greater Atlantic Region, Regulatory Amendment 25 set the total ACL (and optimum yield (OY)) for the South Atlantic region at 78 percent of the stock ABC ( $ACL=OY=78\%(\text{stock ABC})$ ). These fishing level specifications included a temporary buffer between the ABC and the total ACL to account for the high level of uncertainty in the current fishing levels pending an update to the blueline tilefish stock assessment that was expected in 2017, and results from genetic studies to establish the stock structure of blueline tilefish. In addition to increasing the OY and ACLs for blueline tilefish based on the revised ABC recommendation from the South Atlantic Council's SSC, the final rule for Regulatory Amendment 25, effective August 12, 2016, also increased the commercial trip limit from 100 to 300 lbs gutted weight, and established a recreational bag limit for blueline tilefish of 3 fish/person/day during May through August within the grouper aggregate bag limit.

### **Vision Blueprint Commercial Regulatory Amendment 27 to the Snapper Grouper FMP**

Commercial management measures for blueline tilefish will be implemented through [Vision Blueprint Commercial Regulatory Amendment 27](#) (Regulatory Amendment 27), which was approved at the September 2018 South Atlantic Council meeting for formal review by the Secretary of Commerce. The final rule for Regulatory Amendment 27 published in the *Federal Register* on January 27, 2020, and will be effective February 26, 2020. The commercial trip limit for blueline tilefish will be reduced from 300 pounds gutted weight (lbs gw) to 100 lbs gw from January 1 through April 30.

---

<sup>6</sup> The South Atlantic Council had considered extending the FMU previously during development of Amendment 18 to the Snapper Grouper FMP, but did not take action at the time.

### ***References:***

- SAFMC 2014a. Regulatory Amendment 21 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.
- SAFMC 2014b. Amendment 32 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.
- SAFMC 2016. Regulatory Amendment 25 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Flexibility Analysis, Regulatory Impact Review. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.
- SAFMC 2019. Vision Blueprint Regulatory Amendment 27 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region with Environmental Assessment, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.
- SEDAR 32. 2013 – Stock Assessment Report: South Atlantic Blueline Tilefish. SEDAR, North Charleston SC. 378 pp. available online at: <http://sedarweb.org/sedar-32>.