Recreational Accountability Measure Modifications

Snapper Grouper Fishery of the South Atlantic, Regulatory Amendment 31

Decision Document
December 2019

Background

The South Atlantic Fishery Management Council (Council) is proposing modifications to recreational (rec) accountability measures (AMs) so they would be consistent across species as much as practicable in order to simplify them and avoid unintended negative social and economic effects. At the June 2018 meeting, the Council decided to include only species in the Snapper Grouper and Dolphin Wahoo fishery management plans (FMP). Coastal Migratory Pelagics (CMP) species were not included for several reasons: 1) the recreational sector does not typically meet its recreational ACL; and 2) AMs currently are managed differently for these species. In June of 2019, the Council moved the dolphin and wahoo AM measures into Dolphin Wahoo Amendment 10.

Actions in this framework amendment

- **Action 1.** Revise in-season closure, recreational accountability measures
- **Action 2.** Revise post-season, recreational accountability measures
- **Action 3.** Announce starting and ending dates before a season starts

Objectives for this meeting

- Review actions/alternatives

Expected framework amendment timing

✓June 2018	Council reviewed draft actions/alternatives and decided that the amendment will apply only to the snapper grouper and dolphin wahoo FMPs

✓December 2018	Decide which AM types of actions the Council wants considered in the amendment. Possibly decide to send out for scoping.
✓January 2019	Scoping
✓March 2019	Council reviews scoping comments. Modify actions/alternatives, as needed
December 2019	Council reviews purpose and need, and actions and alternatives
March 2020	Council reviews draft document
June 2020	Council reviews draft document with analysis, chooses preferred alternatives/sub-alternatives, votes to send document out for public hearings
Summer 2020	Public hearings
September 2020	Council reviews public comments, makes final edits, votes to send document to the U.S. Secretary of Commerce for formal review

Purpose and need statement

Purpose for Actions

Revise accountability measures for the recreational sector for species in the Snapper Grouper and Dolphin Wahoo Fishery Management Plans to address uncertainty in the estimates of recreational catch and increase standardization of accountability measures across species, as well as improve predictability and stability of fishing seasons.

Need for Actions

Maintain optimum yield in recreational fisheries while limiting discard losses and promoting social and economic benefits to recreational anglers.

IPT Recommendations/Concerns:

- Based on what the Council decides to do with the AM actions in DW10, the Council may want to consider moving the DW actions back into this framework amendment. There are pros and cons to putting actions in DW 10 or this framework amendment. Since DW 10 is changing the ACLs for dolphin and wahoo, it may make sense to keep the AM actions in DW 10.
- IPT has some concerns about continuing this framework amendment for several reasons and discussed the need for these actions. The recreational in-season AMs have only been triggered seven times since 2017 and two of the times at the end of the fishing season in

December. Also, the in-season AMs may be useful to end harvest to reduce the amount of an overage. This may be important as the post-season AM is only triggered if the stock is overfished, and the total and recreational ACL is exceeded.

- In considering the need for action, the IPT noted that post-season AMs are rarely triggered as the stock must be overfished. Currently, 5 fish stocks are overfished (and one of those is the red snapper stock which these actions do not apply to).
- The IPT also noted that in the background it states that one of the purposes is to simplify AMs and action 2 would likely complicate AMs.
- The IPT also has concerns moving forward with action at this time as new ACLs based on new MRIP values coming online at different times for different species. Comparing PSEs prior to 2018 to those from 2018 and later will be difficult due to different measurement methods. Not sure the effects the new MRIP numbers will have on the number of species reaching their ACLs or what their PSEs will be. Some alternatives rely on stock status and some stock statuses may be uncertain until reassessed using new numbers. Council may wish to postpone work on this framework amendment until more is known about how the new MRIP numbers will affect ACLs and AMs.

Possible Committee Action:

- **ACCEPT THE IPT RECOMMENDED EDITS**
- **MODIFY PURPOSE AND NEED**

Actions and alternatives

Action 1. Revise in-season closure, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the existing in-season closure accountability measures for the recreational sector for snapper grouper species. For 44 total species (17 individual species and 6 complexes), there is an in-season closure accountability measure that would close the harvest of a species (or a species complex where one exists) when the recreational landings of that species (or species complex), reaches, or is projected to reach, the species (or species complex) recreational annual catch limit unless the National Marine Fisheries Service determines no closure is necessary based on the Best Scientific Information Available. The following species currently do not have this in-season closure accountability measure for the recreational sector: black sea bass, red snapper, speckled hind, and warsaw grouper.

Alternative 2. Remove the existing in-season closure accountability measures for the recreational sector for all snapper grouper species.

Alternative 3. Remove the existing in-season closure accountability measures for the recreational sector for all snapper grouper species except for those stocks listed as overfished based on the most recent Status of U.S. Fisheries Report to Congress.

Alternative 4: All snapper grouper species that have an average PSE for the past three years of at least

Sub-alternative 4a: 40%.

Sub-alternative 4b: 60%.
Sub-alternative 4c: 80%.

Alternative 5: Remove the existing in-season closure accountability measures for assessed species that are not overfished.

Table 1. Recreational species that had in-season closures, 2017-2019.

2017	2018	2019
Greater amberjack (10/31)	Golden tilefish (8/28)	Golden tilefish (6/17)
	Red grouper (12/12)	Other Jacks (9/25)
	Other Jacks (12/18)	Red grouper (9/25)

IPT Recommendations/Concerns:

- Consider removing in season AMs for recreational species that have short season closures – BLT, hogfish FLEC, and snowy grouper.
- There are several examples where the AM language is different. For example, for most species/complexes, the regulations say "reach or are projected to reach". However, for red grouper, blueline tilefish, and the Deepwater Complex, it only says "are projected to reach". In addition, in the "unless NMFS determines language" in the regulations, sometimes "AA" is used in place of "NMFS". Also, some AM language says to monitor for persistence in increased landings following an overage.
- The IPT discussed whether the PSE should be tied to the in-season AM rather than the post-season AM. The reasoning for tying the PSEs to the in-season AM is because the IPT believes Council is concerned about using highly uncertain data to close in-season, that is closing in-season for species with a high PSE. Therefore, it stands to reason that they should consider removing in-season closures for those species with very uncertain landings estimates. Since uncertainty in landings is measured using PSEs, the IPT recommended the addition of this alternative and sub-alternatives.
- At the March 2019 meeting, the Council determined that the species that fit the PSE requirement should be "locked" at the time the amendment is finished and that the regulations would list the species that fit the PSE criteria the Council chooses in the preferred alternative. The IPT discussed this determination and was concerned that PSEs could change yearly, and it might be better for NMFS to review the PSEs at the time an AM might be triggered as per the Council's choice of criteria.
- The Council may want to consider combining Actions 1 and 2 into one action with a manageable number of alternatives. This approach may be easier to analyze and comprehend.

Possible Committee Action:

- **ACCEPT IPT RECOMMENDED EDITS**
- **MODIFY THE ALTERNATIVES/SUB-ALTERNATIVES**
- **SELECT A PREFERRED ALTERNATIVE**
- **OTHER**

Action 2. Revise post season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the existing post season accountability measures for the recreational sector for snapper grouper species.
-For 36 total species (15 individual, 5 complexes), if overfished and recreational and total annual catch limits are exceeded, to monitor recreational landings for a persistence in increased landings, and if necessary, the AA will reduce the length of the recreational fishing season and the recreational annual catch limit by the amount of the overage.
-For the Deepwater Complex and blueline tilefish, if overfished and the recreational and total annual catch limits are exceeded, the AA will reduce the length of the recreational fishing season and the recreational annual catch limit in the following fishing year to ensure recreational landings do not exceed the recreational annual catch limit the following fishing year.
- For vermilion snapper, if overfished and the total annual catch limits are exceeded, the AA will reduce the recreational annual catch limit for that following year by the amount of the recreational overage in the prior fishing year.

Alternative 2. Remove the existing post season accountability measures for the recreational sector for species that do no longer have an in-season accountability measure based on the preferred alternative in Action 1.

Alternative 3. Replace the existing trigger for the post season accountability measure for the recreational sector. Only trigger the post season accountability measures for those species where ~~recreational annual catch limits stay the same from year to year, and~~ the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Alternative 4. Replace the existing trigger for the post season accountability measure for the recreational sector. Only trigger the post season accountability measures for those species where ~~recreational annual catch limits stay the same from year to year, and~~ the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Alternative 5. Replace the existing trigger for the post season accountability measure for the recreational sector. Only trigger the post season accountability measures for those species where ~~recreational annual catch limits are constant, and~~ recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Alternative 6. Replace the existing trigger for the post season accountability measure for the recreational sector. Only trigger the post season accountability measures for those species where the total (commercial and recreational combined) annual catch limit is exceeded.

Alternative 7. Replace the existing trigger for the post season accountability measure for the recreational sector. Only trigger the post season accountability measures for those species where the stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress. For a species complex, at least one of the species in the complex is overfished based on the most recent status of U.S. Fisheries Report to Congress.

Alternative 8. Replace the existing trigger for the post season accountability measure for the recreational sector. Only trigger the post season accountability measures for those species

where the annual catch limit is exceeded and the most recent total annual proportional standard error (PSE) is ~~greater~~ less than

Sub-alternative 8a. 40%.

Sub-alternative 8b. 60%.

Sub-alternative 8c. 80%.

Alternative 9. Replace the existing action taken following a trigger for the post season accountability measure for the recreational sector. If a post season accountability measure is triggered, monitor for a persistence in increased landings, and:

Sub-alternative 9a. reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season.

Sub-alternative 9b. reduce the length of the following recreational fishing season by the amount necessary to ~~reduce~~ prevent ~~the probability of an overage that~~ the annual catch limit ~~will not be~~ from being exceeded in the following year.

Discussion:

Species currently listed as overfished based on the most recent Status of U.S. Fisheries Report to Congress are: hogfish (SE Florida stock), red snapper, red porgy, snowy grouper, and red grouper.

Table 2. List of snapper grouper species/complexes, 2018 recreational ACLs and percent of recreational ACL caught by year.

Species	ACL in 2018	ACL Changes?	2015	2016	2017	2018
Atlantic Spadefish	661,926 lbs ww		34.1%	4.2%	20.6%	51.2%
Bar Jack	49,021 lbs ww		9.4%	4.1%	19.9%	0.6%
Black grouper	165,750 lbs ww		77.6%	70.3%	52.2%	73.1%
Black sea bass	1,001,177 lbs ww	✓	36.5%	32.9%	24.7%	19.2%
Blueline Tilefish	87,277 lbs ww	✓	254.8%	197.4%	176.4%	133.6%
Gag	348,194 lbs gw	✓	18.8%	48.5%	34.4%	37.2%
Golden tilefish	2,187 fish (Reg 28)		119.1%	430.9%	57.8%	142.3%
Gray Triggerfish	404,675 lbs ww		87.5%	97.2%	111.0%	81.4%
Greater amberjack	1,167,837 lbs ww		103.4%	105.0%	104.2%	62.7%
GA-NC Hogfish	988 fish				58.7%	7.6%
FLK/EFL Hogfish	18,617 fish				198.3%	39.4%
Mutton Snapper	121,318 fish		92.0%	79.1%	64.3%	63.1%
Red grouper	77,840 lb ww		29.4%	35.5%	22.1%	197.6%
Red porgy	164,000 lbs ww		59.5%	88.5%	47.9%	68.7%
Red snapper	29,656 fish		-	-	48.1%	
Scamp	116,369 lbs ww		16.0%	26.6%	82.7%	12.1%
Snowy grouper	4,983 fish	✓	39.0%	217.4%	38.1%	55.5%
Vermilion snapper	406,080 lbs ww	✓	80.4%	90.1%	78.6%	77.4%
Wreckfish	20,315 lbs ww		0.0%	0.0%	0.0%	0.0%
Yellowtail Snapper	1,440,990 lbs ww		54.9%	47.3%*	35.2%	43.4%
Deepwater Complex	38,628 lbs ww	✓	42.1%	45.3%	53.5%	47.9%
Jacks Complex	267,799 lbs ww		46.6%	92.4%	93.1%	111.1%
Snappers Complex	1,169,308 lbs ww	✓	47.6%	90.1%	86.9%	79.7%
Grunts Complex	618,122 lbs ww		45.7%	68.1%	64.1%	71.7%
Shallow-Water Groupers Complex	48,648 lbs ww		42.3%	58.0%	13.4%	36.1%
Porgy Complex	106,914 lbs ww		104.4%	131.0%	66.1%	90.2%

Source: SERO ACL Tracking website accessed 10/2/2019 (https://www.fisheries.noaa.gov/southeast/recreational-fishing-data/2018-2019-preliminary-south-atlantic-recreational-landings#preliminary-landings*-for-fishing-year:-january-1---december-31,-2018)

Notes: A checkmark in the "ACL Changes?" indicates that the ACL was not the same for the years 2015 – 2018. Cells highlighted in red indicate that the stock or complex had an in-season closure in that year. Prior to 2017, hogfish was managed as one stock in the South Atlantic. The SERO website does not record recreational landings for the red snapper mini seasons for most years.

Alternative 3 – Atlantic Spadefish had a recreational ACL of 154,252 lbs ww in 2014. 2014 landings were estimated at 702,011 lbs ww, equaling 454.8% of the ACL being caught. In 2015 and 2016 the recreational ACL increased to 661,926 lbs ww. In 2105, 225, 861 lbs ww and in 2016, 27,591 lbs ww were estimated to have been caught, both years well below the recreational ACL. The geometric mean for those three years of landings was 163,550 lbs ww. The average ACL over those three years was 492,735 lbs ww.

Alternative 4 – The summed ACL for Atlantic spadefish for 2014 – 2016 was 1,478,204 lbs ww. The sum of the estimated landings was 955, 463 lbs ww. In this case, there would be no post season in spite of the fact that 2014 landed 454.8% of that year's ACL.

Alternative 5 – Since Atlantic spadefish only exceeded its ACL in 2014 and not in 2015 or 2016, there would not be any post-season AMs.

Alternative 6 – Estimated commercial landings of blueline tilefish in 2017 did not exceed their sector ACL (86,877 lbs ww landed of ACL = 87,521 lbs ww). However, recreational landings were estimated at 256,575 lbs ww with an ACL = 87,277 lbs ww. In this case, the recreational sector would have post-season AMs applied because they exceeded their sector ACL and the total ACL for blueline tilefish (174,798 lbs) was exceeded.

On the other hand, the commercial sector did not exceed its 2015 ACL (36,348 lbs ww) for the porgies complex when 23,203 lbs ww were landed. In 2015 the recreational sector did exceed its

ACL of 106,914 lbs ww by landing 111,577. But because the combined landings of both sectors (134,780 lbs ww) was less than the total ACL (143,262 lbs ww), no AMs would be applied to the recreational sector.

Alternative 7 – The following SAFMC-managed stocks are on the December 2017 NMFS quarterly report as being overfished:

Hogfish – Florida East Coast
Red snapper
Red porgy
Snowy grouper
Red grouper

Alternative 8 – IPT has recommended that these be put into a table for clarity.

All species in the snapper grouper FMU **except** the following had a PSE greater than 40% in 2017: tomtate, Atlantic spadefish, white grunt, whitebone porgy, mutton snapper, gray snapper, lane snapper, yellowtail snapper, black sea bass, vermilion snapper, and gray triggerfish

All species in the snapper grouper FMU **except** the following had a PSE greater than 60% in 2017: tomtate, Atlantic spadefish, white grunt, whitebone porgy, mutton snapper, gray snapper, lane snapper, yellowtail snapper, black sea bass, vermilion snapper, gray triggerfish, jolthead porgy, gag, snowy grouper, black grouper, sailors choice, red grouper, greater amberjack, almaco jack, hogfish, golden tilefish, banded rudderfish, graysby, and red porgy

All species in the snapper grouper FMU **except** the following had a PSE greater than 80% in 2017: tomtate, Atlantic spadefish, white grunt, whitebone porgy, mutton snapper, gray snapper, lane snapper, yellowtail snapper, black sea bass, vermilion snapper, gray triggerfish, jolthead porgy, gag, snowy grouper, black grouper, sailors choice, red grouper, greater amberjack, almaco jack, hogfish, golden tilefish, banded rudderfish, graysby, red porgy, blueline tilefish, sand tilefish, cubera snapper, silk snapper, and red snapper

IPT Recommendations/Concerns:

- Vermilion snapper is different than the other species in that the recreational ACL is reduced but the recreational season length is not shortened. For the other species, the recreational ACL is reduced and the recreational season is shortened. Also, the "If recreational landings for vermilion snapper, as estimated by the SRD, exceed the recreational ACL" is not in the regulations for the post season AM, but is there for the other species.
- For vermilion snapper, the regulations also state the following: "Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP."
- Alternative 8. If a species has a PSE that is greater than the level chosen in the sub-alternative and its ACL is exceeded, what will its AM be?
- Alternatives 2 – 8 are post-season AM triggers. Alternative 9 and its sub-alternatives are AMs. Action 3 is a type of AM. Would it be better to put Alternative 9 from Action 2 into Action 3?

- The IPT has recommended that a decision tree be constructed to show all the different scenarios for different species – in-season AM or not, overfished/not overfished, sector ACL exceeded or not, total ACL exceeded or not, meets a PSE threshold or not, etc.

Committee Action:

- **ACCEPT THE IPT RECOMMENDED EDITS**
- **MODIFY THE ALTERNATIVES/SUB-ALTERNATIVES**
- **SELECT A PREFERRED ALTERNATIVE**
- **OTHER**

Action 3. Announce starting and ending dates before a season starts

Action Alternatives:

Alternative 1 (No Action). For black sea bass and red snapper, the National Marine Fisheries Service annually announces the recreational fishing season start and end dates in the *Federal Register* and by other methods, as deemed appropriate. The fishing season will start at the beginning of the fishing year and end on the date NMFS projects the recreational annual catch limit will be met.

Alternative 2. The National Marine Fisheries Service will annually announce the recreational fishing season start and end dates in the *Federal Register* and by other methods, as deemed appropriate. The fishing season will start at the beginning of the fishing year and end on the date NMFS projects the recreational ACL will be met. This accountability measure applies only to those stocks that exceed its ACL at least one time in the past three years and

Sub-alternative 2a: exceeded just the recreational ACL.

Sub-alternative 2b: exceeded the total ACL (recreational and commercial ACL combined).

Discussion:

Under **Alternative 1 (No Action)**, NMFS releases a fishery bulletin prior to the start of the fishing year. If black sea bass is projected to have landings lower than its ACL, the bulletin states that the fishing year will be the entire year. If it is expected that recreational black sea bass landings would reach the recreational ACL prior to the end of the fishing year, NMFS would calculate based on catch rates when the ACL would be projected to be met and announce in the fishery bulletin that date as the closure date. Under **Alternative 2**, NMFS would follow the same procedure for the additional species that would be covered by this action. **Action 6**, **Alternative 2** functionally would be very similar to **Action 5**, **Alternative 5**.

IPT Recommendations/Concerns:

- The IPT thought the status quo is appropriate for black sea bass and red snapper but did not think it was for additional species.
- The administrative burden for implementing this for additional species would be great.
- Managers may not know whether the previous season's ACL was exceeded or not when the current season begins.

Committee Action:

- **ACCEPT THE IPT RECOMMENDED EDITS**
- **MODIFY THE ALTERNATIVES/SUB-ALTERNATIVES**
- **SELECT A PREFERRED ALTERNATIVE**
- **OTHER**