

Regulatory Amendment 30 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

(Rebuilding schedule, seasonal prohibition, and
commercial trip limit for red grouper)

Decision Document

Background

The most recent red grouper assessment (SEDAR 53) indicated that the stock is undergoing overfishing and is not making adequate progress towards rebuilding, which is supposed to take place by 2020 under the current rebuilding plan. The Council was formally notified of the red grouper stock status via a letter from NMFS dated September 27, 2017, requiring the Council to prepare and implement a plan amendment and regulations within two years to end overfishing immediately and rebuild the stock. The Council has moved to end overfishing through a revised ABC and ACL for red grouper that was implemented via Abbreviated Framework Amendment 1 but has not yet revised the red grouper rebuilding plan.

In March 2018, the Council directed staff to begin development of an amendment to revise the current rebuilding plan to meet the statutory deadline of September 27, 2019. The Council discussed options for Regulatory Amendment 30 at their June 2018 meeting and directed staff to

consolidate management measures addressing red grouper into the amendment, adding actions to change or extend the spawning season closure for red grouper in the EEZ off of the Carolinas and to implement a commercial trip limit for red grouper in the entire South Atlantic EEZ. During the Snapper Grouper Committee discussion on red grouper, it was noted that a bag limit reduction for the recreational sector was not needed, as analysis in Vision Blueprint Regulatory Amendment 26 showed less than a 1% change in landings for the species.

Per direction received during the December 2018 Council meeting, this amendment was scheduled to be approved for Secretarial review at the March 2019 Council meeting pending guidance from the SSC on red grouper fishing levels and rebuilding timelines that may result from an updated assessment for red grouper that incorporates revised recreational landings estimates (i.e. MRIP revisions). These rebuilding timelines are essential for formulating the alternatives of **Action 1**, which revises the current rebuilding schedule for red grouper. The SSC was unable to meet as scheduled in January 2019 due to the federal government shutdown and necessary guidance is now expected by April 2019. Although the amendment was scheduled to be considered for formal approval in March 2019, due to the revised rebuilding timelines expected from the MRIP revision assessment and setbacks from the federal government shutdown, the amendment will not be ready for final approval at this meeting and is now scheduled to be considered for final approval in June 2019. Although progress cannot be made on **Action 1** at the March 2019 meeting, the Council may still choose to review the IPT's suggested edits to the Purpose statement, reconfirm preferred alternatives for **Actions 2, 3, and 4**, and examine updated analyses that were completed for **Actions 3 and 4**.

Actions in this amendment

- **Action 1:** Revise the Rebuilding Schedule for Red Grouper
- **Action 2:** Modify the seasonal prohibition on recreational harvest and possession of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina
- **Action 3:** Modify the seasonal prohibition on commercial harvest, possession, sale, and purchase of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina
- **Action 4:** Establish a commercial trip limit for red grouper harvested in the South Atlantic Exclusive Economic Zone.

Objectives for this meeting

- Review purpose and need for the amendment and make changes as appropriate.
- Review actions and alternatives and make changes as appropriate.

Expected amendment timing

March 2018 Council directed staff to start Snapper Grouper Regulatory Amendment 30 to revise the rebuilding schedule for red grouper.

June 2018	Council reviewed an options paper to revise the rebuilding schedule for red grouper. Actions to revise the spawning season closure for red grouper in the EEZ off of the Carolinas and to implement a commercial trip limit for red grouper in the entire South Atlantic EEZ were also added to Regulatory Amendment 30. Scoping for the amendment was held during the public comment session and the amendment was approved for public hearings to take place during the September 2018 Council meeting.
September 2018	Council receives public comments, makes changes to purpose and need statements as well as actions/alternatives of Regulatory Amendment 30.
December 2018	Council reviews Snapper Grouper Regulatory Amendment 30.
March 2019	Council reviews Snapper Grouper Regulatory Amendment 30.
June 2019	Council takes final action on Snapper Grouper Regulatory Amendment 30.
June 2019	Snapper Grouper Regulatory Amendment 30 sent for Secretarial review.
September 2019	Snapper Grouper Regulatory Amendment 30 actions are implemented.

Purpose and Need statement

Purpose for Action

The *purpose* of this amendment is to modify the rebuilding schedule for red grouper based on the results of the most recent stock assessment **minimize regulatory discards**; and extend protection for red grouper during the spawning season.

Need for Action

The *need* of this amendment is to rebuild the red grouper stock; and achieve optimum yield while minimizing, to the extent practicable, adverse social and economic effects.

IPT Recommendation:

- Recommended changes are in the highlighted text above. Extending the spawning season closure in **Actions 2 and 3** as well as implementing a trip limit in **Action 4** does not “minimize regulatory discards.”

Committee Action:

- **APPROVE THE IPT’S SUGGESTED EDITS**
- **DO NOT APPROVE THE IPT’S SUGGESTED EDITS (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE)**
- **OTHER?**

Proposed Actions and Alternatives

Action 1: Revise the Rebuilding Schedule for Red Grouper

Action Alternatives:

Alternative 1 (No Action). The current rebuilding schedule is set at the maximum time period allowed to rebuild (T_{\max}). This is equal to 10 years with the rebuilding time period ending in 2020. 2011 was Year 1.

Alternative 2. Revise the rebuilding schedule to equal the shortest possible time period to rebuild in the absence of fishing mortality (T_{\min}). This would equal 5 years with the rebuilding time period ending in 2023. 2019 would be Year 1.

Alternative 3. Revise the rebuilding schedule to equal 8 years with the rebuilding time period ending in 2026. 2019 would be Year 1.

Preferred Alternative 4. Revise the rebuilding schedule to equal the maximum time period allowed to rebuild (T_{\max}). This would equal 10 years with the rebuilding time period ending in 2028. 2019 would be Year 1.

Discussion:

- This proposed action is necessary to satisfy the statutory requirement that the Council revise the rebuilding schedule for red grouper by September 27, 2019. The other statutory requirement to end overfishing was handled in Abbreviated Framework Amendment 1 that revised the red grouper ABC and ACL.
- 2019 was chosen as Year 1, as this would be the year that the new rebuilding schedule would be put into place.
- T_{\max} and T_{\min} are set according to guidance found in NS1. T_{\min} is defined as “*the amount of time the stock or stock complex is expected to take to rebuild to its MSY biomass level in the absence of any fishing mortality.*” According to updated rebuilding projections based on SEDAR 53, this is 5 years, thus T_{\min} is specified as 5 years in **Alternative 2**. These updated rebuilding projections are included in Attachment 3c under Tab 5 of the Council’s briefing book.
- The guidance for setting T_{\max} is as follows: “*If T_{\min} for the stock or stock complex is 10 years or less, then T_{\max} is 10 years.*” Hence why T_{\max} is 10 years in **Alternative 4**.
- The probability of success of rebuilding the stock would be highest under the longest time period to rebuild.
- Less time to rebuild would theoretically translate into higher biological benefits for the stock but a lower probability of success for rebuilding the stock.
- Due delays caused by the federal government shutdown, the SSC was unable to provide guidance on potential new red grouper fishing levels and rebuilding timelines that may result from an updated assessment for red grouper that incorporates revised recreational landings estimates (i.e. MRIP revisions). These rebuilding timelines are essential for formulating the

alternatives of **Action 1** and are expected by April 2019. As such, the final suggested wording for the action cannot be provided at this time.

IPT Recommendations:

- Potential NS2 concerns over using SEDAR 53 projections while MRIP revision assessment results may be soon available.

Committee Action:

- **NONE REQUIRED.**

Action 2: Modify the seasonal prohibition on recreational harvest and possession of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina

Action Alternatives:

Alternative 1 (No Action). During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney).

Preferred Alternative 2. During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Revise the timing of these restrictions only for red grouper in the exclusive economic zone off North Carolina and South Carolina as follows:

Preferred Sub-alternative 2a. January – May (five months)

Sub-alternative 2b. February – May (four months)

Sub-alternative 2c. March – June (four months)

Sub-alternative 2d. January – June (six months)

Discussion:

- This action was moved from Vision Blueprint Regulatory Amendment 26 at the June 2018 Council meeting.
- Recreational data on red grouper are extremely limited, especially when stratified by area and month; hence, the predicted effect on landings as a result of proposed modifications to the seasonal closure for this species is highly uncertain.
- Overall, the sub-alternatives are estimated to reduce the landings of red grouper by less than 1%. Based on preliminary analysis, this equates to a change in total recreational red grouper landings of approximately 300 to 600 pounds whole weight (lbs ww) or about 40 to 80 fish (**Table 1**).
- Additionally, it is worth noting that an in-season harvest closure is predicted for recreationally caught red grouper due to reaching the revised sector ACLs implemented via Abbreviated Framework Amendment 1. The projected closure dates from Abbreviated Framework Amendment 1 are provided in **Table 2**.

- Reducing landings earlier in the season could prolong the open harvest season for the recreational sector, albeit in a relatively minor manner given the minimal projected change in total recreational landings.

Table 1. Projected change in recreational red grouper landings (number of fish) compared to the no action alternative by modifying the recreational seasonal prohibition for red grouper.

Sub-alternative	Change in landings (#s of fish)	Percent change in landings	Change in consumer surplus (2017 dollars)
Pref. Sub-alternative 2a (Jan-May)	-40	-0.2%	-\$4,219
Sub-alternative 2b (Feb-May)	-40	-0.2%	-\$4,219
Sub-alternative 2c (Mar-Jun)	-80	-0.3%	-\$8,439
Sub-alternative 2d (Jan-June)	-80	-0.3%	-\$8,439

Table 2. Projected South Atlantic red grouper recreational closure dates for the recreational ACLs from Abbreviated Framework Amendment 1. Predicted landings are based on the average 2014-2016 recreational landings.

	Year		
	2018	2019	2020
ACL	77,840 lbs ww	84,000 lbs ww	90,720 lbs ww
Closure Date	26-Jul	6-Aug	19-Aug

SSC/Advisory Panel Recommendations:

The Snapper Grouper AP approved the following motion during their October 17-19, 2018 meeting:

MOTION: INCLUDE ALL 4 STATES IN SUB-ALTERNATIVE 2D (FOR RED GROUPE ONLY).

11 IN FAVOR, 5 ABSTENTIONS

Public Comments:

- One commenter from the Florida Keys maintained that every grouper caught during the full moon in April is in spawning condition. Consider extending the closure through May.
- One commenter from Wilmington stated that shallow water groupers (and hogfish) in North Carolina spawn in the May-June timeframe. Consider adjusting spawning closure accordingly, but give fishermen an alternative, healthy fishery to pursue during that closure such as 2 gags per person. Gags rarely are found where the other shallow water groupers are in the area where he fishes.
- One commenter from Cape Hatteras expressed support for extending the closure on red grouper through May.
- One commenter from Florida said that the spawning season closure could be revised to incorporate the months of May and June, and potentially drop January and/or February.

Committee Action:

- **NONE REQUIRED.**

- **THE COMMITTEE MAY WANT TO RECONFIRM THE PREFERRED ALTERNATIVE.**

Action 3: Modify the seasonal prohibition on commercial harvest, possession, sale, and purchase of red grouper in the Exclusive Economic Zone off South Carolina and North Carolina

Action Alternatives:

Alternative 1 (No Action). During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Additionally, during January through April, no person may sell or purchase any shallow-water grouper harvested from or possessed in the South Atlantic exclusive economic zone.

Preferred Alternative 2. During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney). Additionally, during January through April, no person may sell or purchase any shallow-water grouper harvested from or possessed in the South Atlantic exclusive economic zone. Revise the timing of these restrictions only for red grouper in the exclusive economic zone off North Carolina and South Carolina as follows:

Preferred Sub-alternative 2a. January – May (five months)

Sub-alternative 2b. February – May (four months)

Sub-alternative 2c. March – June (four months)

Sub-alternative 2d. January – June (six months)

Discussion:

- This action was moved from Vision Blueprint Regulatory Amendment 27 at the June 2018 Council meeting.
- The analysis of the action required backfilling of landings in North Carolina and South Carolina for the Jan-Apr closed time period using landings from 2007-2009 to provide an estimate of landings during this period if the fishery was open.
- Landings in the Jan-Apr period are projected to be relatively high; however, this analytical approach does not account for the potential redistribution of peak effort to May following the implementation of the Jan-Apr closure in 2009, nor does it account for potential declines in catch rates in the May-Dec period if the fishery opened earlier in the calendar year.
- Thus, it is likely that the projected landings presented in **Table 3** are an upper bound for what might be landed if the closure months were modified.
- The analysis for **Action 3** has been updated with revised 2017 commercial landings data.

Table 3. Projected change in commercial red grouper landings (lbs gw) compared to the no action alternative in **Action 3** by modifying the commercial seasonal prohibition for red grouper.

Sub-alternative	Change in landings (lbs gw)	Percent change in landings	Change in ex-vessel value (2017 \$)
Prof. Sub-alternative 2a (Jan-May)	-6,790	-13%	-\$30,554
Sub-alternative 2b (Feb-May)	-4,183	-8%	-\$18,824
Sub-alternative 2c (Mar-Jun)	-7,992	-16%	-\$35,966
Sub-alternative 2d (Jan-June)	-13,610	-26%	-\$59,221

SSC/Advisory Panel Recommendations:

The Snapper Grouper AP approved the following motion during their October 17-19, 2018 meeting:

MOTION: INCLUDE ALL 4 STATES IN SUB-ALTERNATIVE 2D (FOR RED GROUPE ONLY).

10 IN FAVOR, 4 ABSTENTIONS

Public Comments:

- One commenter from North Carolina thought that red grouper should be managed as a by-catch fishery until the stock rebounds. He suggested no changes to the spawning season closure and a 100-pound trip limit. Extending the spawning closure for one species could result in increased regulatory discards as fishermen target legal grouper.
- Two commenters in North Carolina stated support for the preferred and suggest a small trip limit (200 pounds) to help rebuild the fishery.
- One commenter expressed concern about conflicting regulations in the Carolinas vs. Georgia/Florida. He suggested no changes to the seasonal closure and a 100-pound bycatch limit.
- One commenter from Florida said that the spawning season closure could be revised to incorporate the months of May and June, and potentially drop January and/or February.

Committee Action:

- NONE REQUIRED
- THE COMMITTEE MAY WANT TO RECONFIRM THE PREFERRED ALTERNATIVE.

Action 4: Establish a commercial trip limit for red grouper harvested in the South Atlantic Exclusive Economic Zone

Action Alternatives:

Alternative 1 (No Action). There is no commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone.

Preferred Alternative 2. Establish a commercial trip limit for red grouper harvested in the South Atlantic exclusive economic zone:

Sub-alternative 2a. 75 pounds gutted weight

- Sub-alternative 2b.** 100 pounds gutted weight
- Sub-alternative 2c.** 150 pounds gutted weight
- Preferred Sub-alternative 2d.** 200 pounds gutted weight

Discussion:

- Between 2015 and 2017, a total of 2,447 commercial trips harvested at least one pound of red grouper, and 77% of those commercial trips landed 75 lbs or less of red grouper (**Figure 1**).
- Projected changes in commercial landings resulting from **Action 4** that are inclusive of the addition of May to the spawning season closure for the EEZ off of North Carolina and South Carolina (Action 3, Preferred Sub-alternative 2a) are listed **Table 4**.
- The analysis for **Action 4** has been updated with revised 2017 commercial landings data.

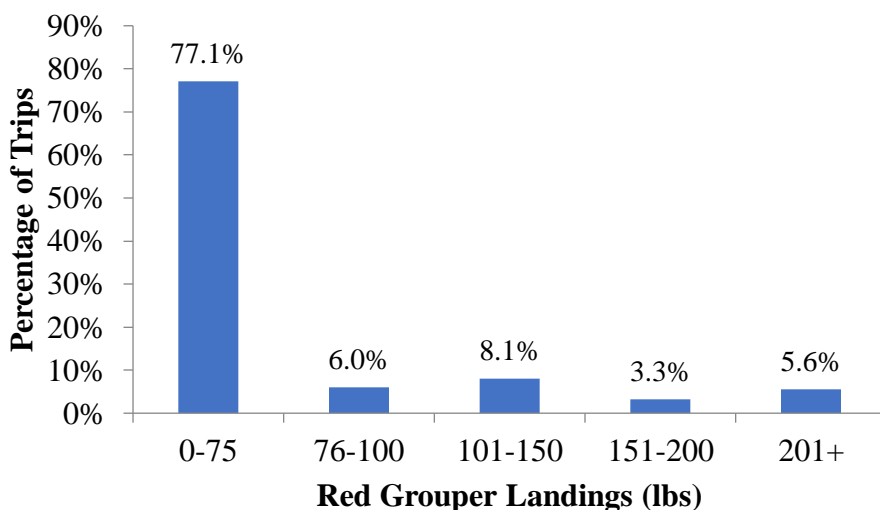


Figure 1. Distribution of South Atlantic red grouper commercial trips within each landing bin. Predicted commercial landings came from the average 2015-2017 commercial landings.

Table 4. Projected change in commercial red grouper landings (pounds whole weight; lbs gw) compared to the no action alternative in **Action 4** inclusive of the addition of May to the spawning season closure for the EEZ off of North Carolina and South Carolina (Action 3, Preferred Sub-alternative 2a).

Sub-Alternative	Change in landings (lbs gw)	Percent change in landings	Change in ex-vessel value (2017 \$)
Sub-alt 2a	-15,806	-36%	-\$71,127
Sub-alt 2b	-12,064	-27%	-\$54,290
Sub-alt 2c	-7,500	-17%	-\$33,750
Pref. Sub-alt 2d	-4,963	-11%	-\$22,332

Public Comments:

- One commenter from North Carolina thought that red grouper should be managed as a by-catch fishery until the stock rebounds. He suggested no changes to the spawning season closure and a 100-pound trip limit. Extending the spawning closure for one species could result in increased regulatory discards as fishermen target legal grouper.

- Two commenters in North Carolina stated support for the preferred (in Action 3) and suggest a small trip limit (200 pounds) to help rebuild the fishery.
- One commenter expressed concern about conflicting regulations in the Carolinas vs. Georgia/Florida. He suggested no changes to the seasonal closure and a 100-pound bycatch limit.

SSC/Advisory Panel Recommendations:

The Snapper Grouper AP approved the following motion during their April 11-13, 2018 meeting:

MOTION: RECOMMEND THAT THE COUNCIL CONSIDER A BYCATCH COMMERCIAL TRIP LIMIT FOR RED GROUPER APPROVED BY AP (UNANIMOUS)

While no motion was passed on **Action 4** at the October 2018 Snapper Grouper AP meeting, some AP members noted that a trip limit for the commercial sector may not be effective overall in reducing harvest since that sector is already only harvesting a small portion of the ACL. However, a low trip limit may disproportionately affect fishermen who “specialize” on red grouper in some areas, such as in the Florida Keys.

Committee Action:

- **NONE REQUIRED.**
- **THE COMMITTEE MAY WANT TO RECONFIRM THE PREFERRED ALTERNATIVE.**

Committee Action:

- **APPROVE ALL ACTIONS IN REGULATORY AMENDMENT 30, AS MODIFIED, TO CONSIDER FOR FINAL APPROVAL IN JUNE 2019.**
- **DO NOT APPROVE ACTIONS IN REGULATORY AMENDMENT 30 , AS MODIFIED, TO CONSIDER FOR FINAL APPROVAL IN JUNE 2019. (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE ADJUSTED TIMELINE).**
- **OTHERS?**