

## Amendment 42 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

### Background

In June 2006, NMFS Southeast Region (SERO) completed a biological opinion (BiOp) on the snapper grouper fishery of the South Atlantic Region evaluating all amendments through Amendment 13C and concluded that the fishery would not likely jeopardize the continued existence or destroy or adversely modify designated critical habitat for loggerhead, green, hawksbill, Kemp's ridley, or leatherback sea turtles nor smalltooth sawfish. In December 2016, SERO completed an additional BiOp on the snapper grouper fishery in response to Regulatory Amendment 16, which proposed changes to the annual black sea bass pot prohibition. SERO once again concluded that management measures in the Snapper Grouper FMP were not likely to jeopardize the continued existence of endangered or threatened species. Listed in the terms and conditions of the BiOps were reasonable and prudent measure to implement handling protocol and/or guidelines for the commercial sector and charter vessel/headboat component of the fishery. Amendment 15B implemented the sea turtle and sawfish handling guidelines and protocol and required handling and release equipment to increase the likelihood of survival. Comprehensive Ecosystem Based Amendment 2 to the Snapper Grouper FMP (CE-BA 2) modified sea turtle release gear requirements to allow smaller vessels to have fewer gear requirements based on the freeboard height of the vessel (**Table 1**).

**Table 1.** Sea turtle release gear for the snapper grouper fishery.

<b>Implemented in Snapper Grouper Amendment 15B</b>	<b>Revised by CE-BA2</b>	
<b>All vessels</b>	<b>Freeboard 4 ft or less</b>	<b>Freeboard greater than 4 ft or using longline gear</b>
Long-handled line clippers <sup>1</sup>	-	Long-handled line cutter
Dipnet	Dipnet	Dipnet
Long-handled dehooker for internal hooks <sup>1,2</sup>	-	Long-handled dehooker for internal hooks <sup>1,2</sup>
Long-handled dehooker for external hooks <sup>1,2,3</sup>	-	Long-handled dehooker for external hooks <sup>1,2,3</sup>
Long-handled device to pull an inverted "V" <sup>1</sup>	-	Long-handled device to pull an inverted "V" <sup>1</sup>
Tire (standard passenger sized) <sup>4</sup>	Cushion or support device (i.e., boat cushion)	Cushion/support device (i.e., boat cushion)
Short-handled dehooker for internal hooks <sup>5</sup>	Short-handled dehooker for internal hooks <sup>5</sup>	Short-handled dehooker for internal hooks <sup>5</sup>
Short-handled dehooker for external hooks <sup>3,5</sup>	Short-handled dehooker for external hooks <sup>3,5</sup>	Short-handled dehooker for external hooks <sup>3,5</sup>
Long-nose or needle-nose pliers <sup>6</sup>	Long-nose or needle-nose pliers <sup>6</sup>	Long-nose or needle-nose pliers <sup>6</sup>
Bolt cutters	Bolt cutters	Bolt cutters
Monofilament line cutters	-	Monofilament line cutters
Mouth openers or mouth gags	At least two types of mouth openers or mouth gags	At least two types of mouth openers or mouth gags

<sup>1</sup> handle length 6 feet or 150% of freeboard - whichever is greater

<sup>2</sup> may substitute short-handle dehooker if used with appropriate length handle extender

<sup>3</sup> may substitute internal dehooker if the dehooker also meets the criteria for an external dehooker

<sup>4</sup> may use other comparable, cushioned, elevated surface

<sup>5</sup> handle length should be 16-24 inches

<sup>6</sup> must be approximately 12 inches in length

In addition to release gears, commercial and charter vessel/headboat snapper grouper permit holders are also required to possess inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the most updated document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release with Minimal Injury" (Release Protocols)<sup>1</sup>. The Release Protocols were originally published in 2004 (Epperly et al. 2004). Revised editions were released in 2008 and 2010, and a new update is being developed for publication. In the pending update, three additional turtle release gear types were approved by the SEFSC for use in handling and releasing incidentally caught sea turtles when fishing for snapper grouper. Additionally, there are several clarifications made to current regulations. However, these new gear types and new dimensions for existing release gear are not approved for use by fishermen participating in the snapper grouper fishery until implemented in the regulations.

<sup>1</sup> [http://www.nmfs.noaa.gov/sfa/hms/compliance/workshops/protected\\_species\\_workshop/turtles/sea\\_turtle\\_handling\\_release\\_hookline.pdf](http://www.nmfs.noaa.gov/sfa/hms/compliance/workshops/protected_species_workshop/turtles/sea_turtle_handling_release_hookline.pdf).

Currently, the snapper grouper framework procedure does not allow changes to protected species release gear requirements. Thus, an amendment to the FMP is required to make these changes. Modifying the snapper grouper framework procedure to incorporate a process to allow timely changes to sea turtle and other protected resources release gear and handling requirements would streamline management, reduce the burden associated with making future changes regarding sea turtle and other protected resources release gear and handling requirements, and provide flexibility to participants in the commercial sector and charter vessel/headboat component of the snapper grouper fishery.

*The primary goal of this amendment is to add three new devices to the regulations, clarify current regulations, and modify the snapper grouper framework procedure to allow changes to the protected resources release gear and handling requirements.*

Additionally, this amendment includes the Snapper Grouper FMP objectives as modified through the three-year long, stakeholder-driven visioning process that worked to identify long-term strategies for managing the snapper grouper fishery. These objectives need to be added to a plan amendment in order to be formally included in the FMP.

## Actions in this amendment

- Amendment 42 would modify the regulations for vessels with commercial or charter vessel/headboat South Atlantic snapper grouper permits to allow the use of the NMFS-recently approved collapsible hoop net, dehooker device, and sea turtle hoist, as well as clarify dimension requirements for currently required release gears for incidentally hooked sea turtles.
- Amendment 42 would modify the snapper grouper framework procedure to include changes to release gear requirements and handling protocols for sea turtles and other protected resources through the abbreviated documentation process for framework actions.

## Objectives for this meeting

- Review draft document,
- Review Snapper Grouper FMP objectives.
- Consider approval for formal review.

## Expected amendment timing

Process Steps		Dates
✓	Review draft options paper and approve for scoping.	March 2018
✓	Scoping hearings	April 2018
✓	Review scoping comments and approve actions to be analyzed.	June 2018
✓	Review draft amendment, modify as necessary, approve for public hearings.	December 2018
	Public hearings	March 2019
	Review public comment and draft document, consider for Secretarial review.	March 2019

# Review of SG FMP Objectives

Amendment 17A to the Snapper Grouper FMP was the last amendment to list and modify the objectives in the Snapper Grouper FMP. In December 2012, the South Atlantic Fishery Management Council (Council) began a three-year long stakeholder-driven visioning process to identify long-term strategies for managing the snapper grouper fishery. This process involved evaluating the objectives in the Snapper Grouper FMP and revising them based on the current needs of the fishery (**Table 2**). These objectives need to be added to a plan amendment in order to be formally included in the FMP.

**Table 2.** Management objectives for the South Atlantic Snapper Grouper FMP.

<b>Goal 1 (Science):</b> Management decisions for the snapper grouper fishery are based upon robust, defensible science that considers qualitative and quantitative data analyzed in a timely, clear, and transparent manner that builds stakeholder confidence.	
<i>Objective 1</i>	Promote collection of quality data to support management plans and programs considered by the Council.
<i>Objective 2</i>	Encourage development of mechanisms to effectively engage and collaborate with stakeholders on cooperative research, data collection and analysis.
<i>Objective 3*</i>	Improve knowledge about the social and economic elements of the snapper grouper fishery in the South Atlantic.
<i>Objective 4*</i>	Support improved and expanded monitoring and reporting programs for the snapper grouper fishery.
<i>Objective 5*</i>	Promote data collection and analysis to support ecosystem and habitat considerations for the snapper grouper fishery.
<b>Goal 2 (Management):</b> Adopt management strategies for the snapper grouper fishery that rebuild and maintain fishery resources, adapt to regional differences in the fishery, and consider the social and economic needs of fishing communities.	
<i>Objective 1</i>	Develop management measures that consider sub-regional differences and issues within the fishery.
<i>Objective 2</i>	Develop innovative management measures that allow consistent access to the fishery for all sectors.
<i>Objective 3</i>	Ensure that management decisions help maximize social and economic opportunity for all sectors.
<i>Objective 4*</i>	Develop management measures that reduce and mitigate discards.
<i>Objective 5*</i>	Support management measures that incorporate ecosystem and habitat considerations for the snapper grouper fishery.
<i>Objective 6*</i>	Develop management measures that support optimal sector allocations for the snapper grouper fishery.
<b>Goal 3 (Communication):</b> Employ interactive outreach strategies that encourage continuous participation and support two-way engagement between managers and snapper grouper fishery stakeholders while building a greater understanding of science and management.	
<i>Objective 1</i>	Develop communication approaches that provide streamlined and timely information to increase awareness and engage stakeholders.
<i>Objective 2</i>	Improve awareness and understanding of fishery science and research and how these inform management.
<i>Objective 3*</i>	Ensure that Council communication encourages and supports engagement with a diverse audience of stakeholders.
<i>Objective 4*</i>	Improve awareness and understanding of how social and economic issues are linked to fisheries management measures.

<b>Goal 4 (Governance):</b> Commit to a transparent, balanced, and timely decision-making process that allows flexible yet well-defined protocols and strategies for managing the snapper grouper fishery.	
<i>Objective 1</i>	Create an accountable and flexible decision-making process for development and evaluation of management measures.
<i>Objective 2</i>	Build capacity to streamline management efforts and better coordinate with management partners.
<i>Objective 3*</i>	Improve communication with stakeholders to insure the needs of the fishery are understood and considered throughout the Council process.

\*These objectives were not prioritized for the 2016-2020 Vision Blueprint for the Snapper Grouper Fishery in the South Atlantic (Vision Blueprint) and can be found in Appendix B to the Vision Blueprint.

**Committee Action:**

REVIEW OBJECTIVES  
MAKE MODIFICATIONS AS NECESSARY  
OTHERS?

# Proposed Actions

## Sea Turtle Release Gear Requirements

Gears recently approved by the Southeast Fisheries Science Center:

### Collapsible Hoop Net (Figure 1)

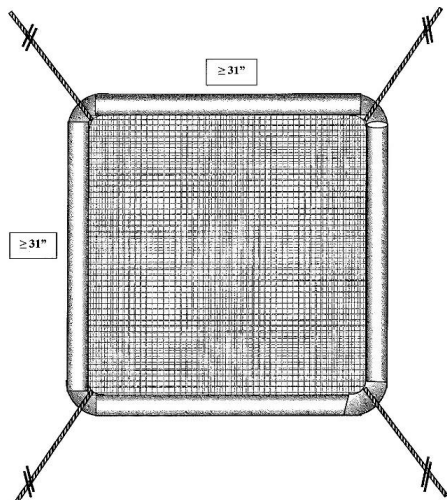
- Used for bringing an incidentally captured sea turtle on board the fishing vessel to remove fishing gear. May be carried on board in place of the currently required dipnet.
- The net is attached to hoops made of flexible stainless-steel cable, so that the net and hoop are both collapsible to make storage easier. When folded over on itself the collapsible hoop net reduces to about half of its original diameter.



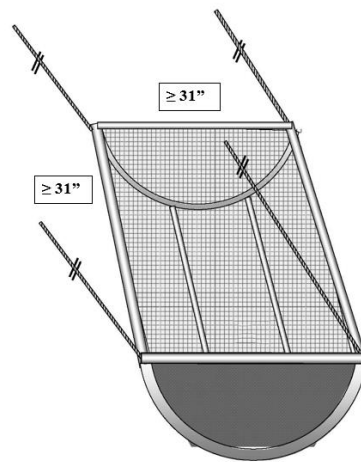
**Figure 1.** Example of a collapsible hoop net that is ready to be stored when folded.  
Photo credit: NMFS-SEFSC

### Sea Turtle Hoist (Figure 2)

- Used to bring sea turtles on board a vessel that cannot carry a traditional dipnet, due to a high freeboard and limited space on the vessel.
- The sea turtle basket hoist is an allowable variation on the small turtle hoist that must also meet the design standards specified in NMFS regulations (**Figure 3**).



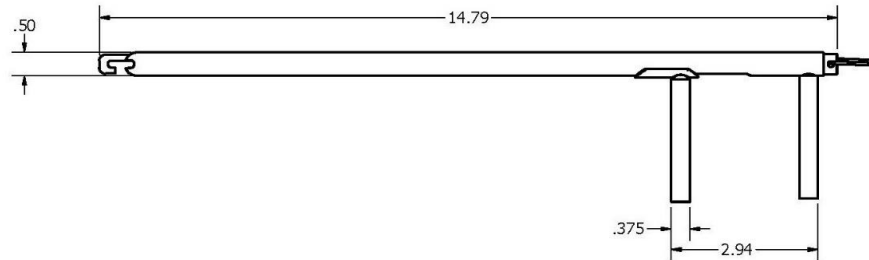
**Figure 2.** Example of a sea turtle hoist that can be constructed.  
Photo credit: NMFS-SEFSC



**Figure 3.** Example of a sea turtle basket style hoist.  
Photo credit: NMFS-SEFSC

**Squeeze Handle Dehooker (Figure 4)**

- Another option to remove hooks from sea turtles when a fishing hook is externally embedded and cannot be removed via needle-nose pliers or bolt cutters.
- Appropriate for removing the range of hook sizes currently used in the snapper grouper fishery (e.g., 6/0-7/0) and large hooks up to 10/0 in size.



**Figure 4.** Example of a new sea turtle release dehooker with dimensions in inches.

\*Photo credit: NMFS-SEFSC

\*The minimum length is 11-inches.

This amendment would also clarify the dimension requirements for currently required sea turtle release gear. Specifically, references to approximations would be removed where applicable and a specific size range or minimum size would be stated. Additional clarifications identified by SEFSC would also be updated (**Table 2**).

**Table 2.** Summary of proposed gear changes and clarifications to regulations.

Gear Types Affected by Change	Clarifying Change in Gear
<ul style="list-style-type: none"> <li>• Short-handled dehookers for internal and external hooks.</li> <li>• Bite block on the short-handled internal use dehooker.</li> <li>• Long-nose or needle-nose pliers.</li> <li>• Bolt cutters.</li> <li>• Block of hard wood and hank of rope when used as mouth openers and gags.</li> <li>• Monofilament line cutter.</li> </ul>	<p>Remove the term “approximately” and replace with either a minimum size or appropriate size range where applicable.</p>
<ul style="list-style-type: none"> <li>• Short and long handled dehookers.</li> </ul>	<p>Allow construction with 304L stainless steel.</p>
<ul style="list-style-type: none"> <li>• Monofilament line cutter.</li> </ul>	<p>Allow blade length of one inch or longer.</p>
<ul style="list-style-type: none"> <li>• Mouth openers and gags.</li> </ul>	<p>Remove requirement to cover the ends of the canine mouth gags with clear vinyl tubing, friction tape, or similar.</p>
<ul style="list-style-type: none"> <li>• Cushion or support device.</li> </ul>	<p>Clarify that any life-saving device used to fulfill the sea turtle safe handling requirements cannot be used to also satisfy U.S. Coast Guard safety requirements.</p>
<ul style="list-style-type: none"> <li>• Paper copy of the Release Protocols on the vessel.</li> </ul>	<p>Allow fishermen to use an electronic copy of the document.</p>

## Discussion:

### Biological Effects

- The action is anticipated to assist with compliance and aid in the safe release of sea turtles and other protected species, thus providing positive biological effects.
- By clearly defining the release gear, fishermen are more likely to have the proper gear on board if an interaction occurs. This will result in positive indirect biological benefits.

### Economic Effects

- The net economic benefits to fishermen would include not only the cost of that particular device (**Table 3**), but also any added benefits, such as saved space onboard due to the collapsible nature of the collapsible hoop net. Because the current release gear would be supplemented by the three proposed gear types, vessel owners are not required to adopt one of the three proposed gear types.
- Clarifying dimension requirements removes ambiguity for fishermen in terms of compliance and thereby reduces risk of a non-compliance fine.

**Table 3.** Summary of costs for proposed gear and current approved gear substitutions.

Status	Device	Retail Cost
Current	ARC Short-handled J-Style Dehooker	\$16
Current	ARC 24" Handheld "Game" Model Dehooker	\$19
Proposed	New Short-handled Dehooker	\$20-\$35
Current	Dip net	\$125
Proposed	Collapsible Hoop Net	\$175, (\$110)
Proposed	PVC Sea Turtle Hoist	(\$60)

Source: C. Bergmann, SEFSC, pers comm. Estimates in parentheses are self-construction costs.

### Social Effects

- Allowing these three new gear types to be used to meet sea turtle release gear requirements provides additional flexibility to fishermen when purchasing or replacing release gear and addresses stakeholder concerns regarding space for release gear on their vessels. This additional flexibility is anticipated to result in small but positive direct social effects to fishing businesses and communities.
- Clarifying these regulations by removing words like "approximately," would aid fishermen when purchasing or replacing release gear and will aid law enforcement in determining release gear compliance again resulting in small but positive social effects to fishing businesses and communities.



## Snapper Grouper Framework Procedure

Following is the proposed language for the snapper grouper framework procedure to include changes to release gear requirements and handling protocols for sea turtles and other protected resources:

### **III. Procedure for implementing changes to the protected species release gear and protected species handling requirements.**

This framework procedure would allow the Council to add or remove specific protected species release devices and modify the requirements for the safe handling of incidentally caught protected species through a more streamlined process than the routine plan amendment process. This process may be initiated by the Council based on the recommendation of NMFS staff to authorize the use of new release devices or new handling techniques that have been approved for use in the fishery. Such changes may be implemented via the following abbreviated process.

- a. After receiving the NMFS recommendation for changes to the list of authorized release gear or the associated handling requirements, the Council shall convene its Protected Resources Committee to consider the changes.
- b. The Council will hold a public hearing during the Council meeting at which the Protected Resources Committee discusses the recommendations. The Council will provide the public the opportunity to comment on the potential changes during the Council meeting.
- c. If the Council then determines that modifications to the list of authorized release gear or the associated handling requirements are necessary and appropriate, the Council will notify the Regional Administrator (RA) of its recommendations in a letter with the Council's analysis of the relevant biological, economic, and social information necessary to support the Council's action.
- d. The RA will implement the Council's proposed action through publication of appropriate notification in the *Federal Register*, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act and all other applicable law.
- e. If the Council chooses to deviate from the recommendation of the NMFS, this abbreviated process would not apply, and either the framework procedure would apply with the preparation of a regulatory amendment or a fishery management plan amendment would be prepared. Additionally, the Council may choose to prepare a regulatory amendment or a fishery management plan amendment even if they do not deviate from the NMFS recommendation.

## **Discussion:**

### Biological Effects

- As this is primarily an administrative action, this action would only have indirect impacts on the biological environment, all of which would be expected to be beneficial in that they would facilitate effective release of incidentally captured protected species.

### Economic Effects

- Modifying the regulatory mechanism for addressing gear requirements and handling protocols for sea turtles and other protected species is not expected to result in direct economic effects to fishermen, as this is a procedural change. Still, any economic benefits to fishermen stemming from changes to the requirements would accrue faster by amending the framework procedure.

### Social Effects

- Modifying the snapper grouper framework procedure to allow for release gear and handling protocols to be modified through an abbreviated framework procedure is expected to result in small, but positive social effects. Quick adoption of new types of release gear and handling protocols is expected to provide greater benefit to fishermen.

### **Snapper Grouper Advisory Panel Comments:**

- AP members rarely encounter sea turtles or have issues with them becoming entangled in their fishing gear.
- All charter vessel/headboat and commercial snapper grouper fishermen are required to carry sea turtle release gear on board, but private recreational fishermen are not required to carry release gear.
- Bringing a sea turtle onto a vessel could end up injuring the individuals on board, which in some cases are paying customers.
- The sea turtle release gear can be expensive. The release gear needs to be purchased regularly because it gets lost or damaged.
- Detailed design specifications for certain release gear types can be challenging to find (ex. needle-nose pliers).
- Most vessels do not have enough storage on the vessel for all the required release gear, especially the large nets.
- There is a lot of effort and money spent on sea turtle release gear regulations which are burdensome and unnecessary.

### **Public Comments:**

*\*\*Public comment for this amendment is scheduled to occur during the March 2019 Meeting.*

Comments received during scoping for this amendment (April 2018, 7 comments total):

- Fishermen rarely, if ever, encounter sea turtles when utilizing hook and line gear (five commenters).
- Sea turtle release gear gets rusty and becomes unusable due to lack of use. As a result, new gear must be purchased regularly (one commenter).
- Propeller strikes, and diseases are the primary cause of mortality. Suggestion to impose a speed limit in oceans and bays, and address water quality issues instead of requiring sea turtle release gear (one commenter).
- Dehooking devices are what fishermen would use if needed. Additional gear is unnecessary (two commenters).
- Sea turtle gear regulations should be simplified, which would help fishermen and law enforcement (one commenter).

- Hauling a sea turtle onto a vessel creates safety issues, especially for the for-hire sectors who carry customers on board (one commenter).
- Many vessels have limited storage and sea turtle release gear takes up a substantial amount of space (two commenters).
- Support for expanding the turtle release gears to include additional compact and useful tools when possible (one commenter).

**Committee Action:**

REVIEW DRAFT DOCUMENT  
MAKE MODIFICATIONS AS NECESSARY  
APPROVE FOR FORMAL REVIEW  
OTHERS?

**DRAFT MOTION:** APPROVE SNAPPER GROUPE AMENDMENT 42 FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.