

Recreational Accountability Measure Modifications

Snapper Grouper Fishery of the South Atlantic,
Regulatory Amendment 31
Dolphin Wahoo Fishery of the Atlantic,
Regulatory Amendment 2

Decision Document

Background

The Council decided to modify recreational (rec) accountability measures (AMs) so they would be consistent across species as much as is 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 FMPs. Coastal Migratory Pelagics species were not included for several reasons: 1) the recreational sector does not typically meet its sector ACL; 2) AMs currently are managed differently for these species; and 3) including CMP species would make this a joint amendment with the GMFMC.

Actions in this amendment

- **Action 1.** Determine *de minimis* status for species in terms of recreational annual catch limits.
- **Action 2.** Revise units for tracking recreational sector annual catch limits.

Actions for Snapper Grouper FMP species

- **Action 3.** Revise in-season, recreational accountability measures
- **Action 4.** Revise post-season, recreational accountability measures
- **Action 5.** Revise actions that will occur if the post-season accountability measure is triggered.
- **Action 6.** Announce starting and ending dates before a season starts

Actions for Dolphin and Wahoo

- **Action 7.** Revise in-season, recreational accountability measures

- **Action 8.** Revise post-season, recreational accountability measures
- **Action 9.** Revise actions that will occur if the post-season accountability measure is triggered.
- **Action 10.** Announce starting and ending dates before a season starts

Objectives for this meeting

- Review Purpose and Need and modify as necessary
- Decide which actions/alternatives should be in the document, modify as needed
- Give direction to staff regarding further development of the amendment

Expected 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.
Winter 2019	Scoping
March 2019	Review scoping comments. Modify actions/alternatives, as needed
June 2019	Review draft document, choose preferred alternatives/sub-alternatives, and vote to send out for public hearings
Summer 2019	Public hearings
September 2019	Review public comments, modify document as necessary
December 2019	Vote 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 standardize accountability measures across species.

Need for Actions

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

Committee Action:

MODIFY AS NECESSARY
APPROVE THE PURPOSE AND NEED
NO ACTION NECESSARY
OTHER ACTION

Proposed Actions and Alternatives

Things to think about when revising rec AMs:

- MSA requires AMs for all species that have an annual catch limit (ACL).
- Council has suggested applying *de minimis* status where the percent of the total landings by a sector are very low. *De minimis* status would most likely need to be applied at the acceptable biological catch (ABC)/ACL level and not just at the when applying AMs.
- How often would a species' *de minimis* status need to be re-evaluated? What are the specific criteria that would be used to determine *de minimis* status? (e.g. average percent of landings across a set number of years)
- It may be easier to consider actions by fishery management plans (e.g. Snapper Grouper or Dolphin Wahoo).
- The Council may need to consider which FMPs they want to consider for revising recreational AMs. Currently, snapper grouper and dolphin wahoo species have the most similar recreational AMs. CMP species have different types of recreational AMs and do not typically meet their sector ACLs and therefore are less likely to be subject to closures. Given the draft need as stated below, changing CMP recreational AMs may not meet the need to increase socioeconomic benefit to anglers. CMP species are jointly managed with the Gulf of Mexico Fishery Management Council and consideration may need to be given for a joint amendment.
- Snapper grouper species groupings may be helpful for applying AM modifications.
- There are two times where AMs could be applied: in-season or post season. It may be clearer to make this distinction by having separate actions.
- Applying statistical smoothing techniques from stock assessments to determining sector ACL overages may prove to be daunting. Criteria will need to be determined to know when to apply smoothing. Should both unusually high or low annual landings values be modified? This type of analysis could be complex and need to be completed annually, by species. Explaining to the public when and how "smoothing" procedures occur would be difficult. Using some form of a mean may have some utility to help with unusual overages but would not change a specific annual value.
- Having stated seasons for individual species prior to the beginning of the fishing year could require low bag/vessel limits, modifications to size limits, and/or result in shorter fishing years in order to insure the ACL is not exceeded.
- Are there rec AMs for any species that the Council does not wish to modify?

Action 1. Determine *de minimis* status for species in terms of recreational annual catch limits.

Action Alternatives:

Alternative 1 (No Action). No species are currently considered as *de minimis*.

Alternative 2. Recreational landings of a species will be considered *de minimis* and will not have specific accountability measures applied when the total average recreational landings by weight for the four most recent years of landings as certified final landings by the National Marine Fisheries Service are:

Sub-alternative 2a. less than 1 percent of the total annual catch limit (commercial and recreational combined). The species that meet this criterion is: wreckfish.

Sub-alternative 2b. less than 2 percent of the total annual catch limit (commercial and recreational combined). The species that meet this criterion are: wreckfish

Sub-alternative 2c. less than 3 percent of the total annual catch limit (commercial and recreational combined). The species that meet this criterion are: wreckfish

Sub-alternative 2d. less than 4 percent of the total annual catch limit (commercial and recreational combined). The species that meet this criterion are: wreckfish

Sub-alternative 2e. less than 5 percent of the total annual catch limit (commercial and recreational combined). The species that meet this criterion are: wreckfish

Discussion:

- Wreckfish is a species that has only been sampled one time by MRFSS/MRIP and that was in 2012. While it is known that wreckfish are at least occasionally caught by anglers, there is no statistically reliable way to estimate recreational catches. A case could be made to make recreational catches of wreckfish *de minimis*.
- Preliminary calculations indicate that the recreational harvest of golden tilefish in the South Atlantic region comprise 5.1% of the total average harvest of the most recent four years of complete landings (2014 – 2017).

Committee Action:

- **ACCEPT, REMOVE, OR MODIFY THIS ACTION FOR INCLUSION IN THE DOCUMENT**
- **ACCEPT OR MODIFY THE RANGE OF ALTERNATIVES**
- **OTHER**

Action 2. Revise units for tracking recreational sector annual catch limits.

Action Alternatives:

Alternative 1 (No Action). Individual species have their landings tracked in either numbers of fish or in pounds. There is no single, universal tracking metric for recreational annual catch limits.

Alternative 2. Landings will be evaluated against annual catch limits using numbers of fish for the recreational sector.

Alternative 3. Landings will be evaluated against annual catch limits using pounds for the recreational sector.

Discussion:

- Currently, only the only recreational ACLs tracked in numbers of fish are red snapper, hogfish, mutton snapper, golden tilefish and snowy grouper. All of the rest are calculated in numbers of pounds. Some of those species are tracked in whole weight or gutted weight. What is the Council's goal with this action? How would this action apply to modifying AMs and meeting the purpose and need?

Committee Action:

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- **OTHER**

Actions Specific to the Snapper Grouper FMP

Action 3. Revise in-season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the current accountability measures for the recreational sector for snapper grouper species.

Alternative 2. Do not specify an in-season recreational accountability measure.

Alternative 3. If recreational landings, as estimated by the National Marine Fisheries Service Southeast Regional Office, reach or are projected to reach the recreational sector annual catch limit, the Regional Administrator will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year.

Alternative 4: Only specify an in-season accountability measure if the most recent annual PSE is:

Sub-alternative 4a. less than 40% as certified final by National Marine Fisheries Service.

Sub-alternative 4b. less than 60% as certified final by National Marine Fisheries Service.

Sub-alternative 4c. less than 80% as certified final by National Marine Fisheries Service.

Note: The **Alternative 4** sub-alternatives were chosen as they line up with the ACCSP PSE workshop categories.

Discussion:

Based on uncertified PSEs for 2017, the Alternative 4, sub-alternatives would be as follows:

Sub-alternative 4a. Species with a PSE < 40%* -

TOMTATE	37.1%
ATLANTIC SPADEFISH	35.7%
WHITE GRUNT	33.9%
WHITEBONE PORGY	33.4%
MUTTON SNAPPER	32.0%
GRAY SNAPPER	24.4%
LANE SNAPPER	24.4%
WAHOO	23.7%
YELLOWTAIL SNAPPER	23.0%
COBIA	20.5%
BLACK SEA BASS	19.9%
VERMILION SNAPPER	19.1%
GRAY TRIGGERFISH	18.2%
DOLPHIN	18.0%
KING MACKEREL	13.2%
SPANISH MACKEREL	13.2%

Sub-alternative 4b. Species with a PSE < 60%* - (same as PSE < 40% plus the following species)

JOLTHEAD PORGY	49.5%
GAG	48.3%
SNOWY GROUPER	47.2%
BLACK GROUPER	46.1%
SAILORS CHOICE	45.1%
RED GROUPER	43.6%
GREATER AMBERJACK	41.9%
ALMACO JACK	41.5%
HOGFISH	40.3%
GOLDEN TILEFISH	58.6%
BANDED RUDDERFISH	54.3%
GRAYSBY	52.8%
RED PORGY	50.6%

Sub-alternative 4c. Species with a PSE < 80%* - (same as PSE < 60% plus the following species)

BLUELINE TILEFISH	61.0%
SAND TILEFISH	60.6%
CUBERA SNAPPER	72.6%
SILK SNAPPER	71.1%
RED SNAPPER	71.1%

* Based on preliminary estimates of 2017 PSEs
 Note: All other managed species have recreational PSEs > 80%.

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Action 4. Revise post-season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the current accountability measures for the recreational sector for snapper grouper species.

Alternative 2. Do not specify post-season accountability measures.

Alternative 3. Only specify post-season accountability measures if:

Sub-alternative 3a. 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.

Sub-alternative 3b. 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.

Sub-alternative 3c. Recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years.

Sub-alternative 3d. The total (commercial and recreational combined) annual catch limit is exceeded.

Sub-alternative 3e. 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.

Discussion:

Sub-alternative 3a – 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 2015, 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.

Sub-alternative 3b – 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.

Sub-alternative 3c – Since Atlantic spadefish only exceeded its ACL in 2014 and not in 2015 or 2016, there would not be any post-season AMs.

Sub-alternative 3d – 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.

Sub-alternative 3e – 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

Committee Action:

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- **OTHER**

Action 5. Revise actions that will occur if the post-season accountability measure is triggered.

Action Alternatives:

Alternative 1 (No Action). Retain the current accountability measures for the recreational sector for snapper grouper species.

Alternative 2. If the post-season accountability measure is triggered, reduce the length of the following fishing season by:

Sub-alternative 2a. 1 month.

Sub-alternative 2b. 2 months.

Sub-alternative 2c. 3 months.

Alternative 3. If the post-season accountability measure is triggered, reduce the bag limit or vessel limit in the following fishing season by:

Sub-alternative 3a. 1 fish per person

Sub-alternative 3a. 2 fish per person

Sub-alternative 3a. 3 fish per person

Sub-alternative 3a. 1 fish per vessel

Alternative 4. If the post-season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season.

Alternative 5. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to reduce the probability of an overage.

Discussion:

Alternatives 2 and 3 are pretty self-explanatory. **Alternatives 4 and 5** could result in no seasons for some species. Whenever 200% or more, of the ACL is caught as happened in 2017 with blueline tilefish as recreational landings were estimated at 256,575 lbs ww with an ACL = 87,277 lbs ww, theoretically there would be no fishing allowed for at least the following season. Since the overage was nearly 3 times the recreational sector ACL, it is possible that the recreational season for blueline tilefish could be closed for two years to make up for the overage. If landings in a given year are over the recreational ACL, but less than 200% of the ACL, **Alternative 4** would reduce the ACL, but not shorten the season. If there are no in season AMs that could stop fishing, reducing the ACL in the following by the amount of the overage could only exacerbate ACL overages by increasing the likelihood that the new, lower ACL was met. For example, in 2017 anglers landed 447,019 lbs ww of gray triggerfish when the recreational ACL was 404, 675 lbs ww causing an overage of 42,344 lbs ww. If the recreational ACL was reduced by the amount of the overage in the next season to 362,331 lbs ww, there is an increased likelihood that the amount of the overage in the subsequent year would be higher if there wasn't an in-season closure. **Alternative 5** would reduce the likelihood of going over the recreational ACL by reducing the season based on the actual catch rate that would end the season early enough to reduce the probability of an overage.

Committee Action:

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- OTHER

Action 6. Announce starting and ending dates before a season starts

Action Alternatives:

Alternative 1 (No Action). For black sea bass, NMFS 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 ACL will be met.

Alternative 2. NMFS 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.

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**.

Committee Action:

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- **OTHER**

Actions Specific to the Dolphin Wahoo FMP

Action 7. Revise in-season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). There are no in-season accountability measures for dolphin and wahoo.

Alternative 2. If recreational landings, as estimated by the National Marine Fisheries Service Southeast Regional Office, reach or are projected to reach the recreational sector annual catch limit, the Regional Administrator will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year.

Alternative 3: Only specify an in-season accountability measure if the most recent annual PSE is:

Sub-alternative 3a. less than 40% as certified final by National Marine Fisheries Service.

Sub-alternative 3b. less than 60% as certified final by National Marine Fisheries Service.

Sub-alternative 3c. less than 80% as certified final by National Marine Fisheries Service.

Discussion:

This action is analogous with **Action 3** which is for snapper grouper. Since there are currently no in-season AMs for dolphin or wahoo, what was **Alternative 2** in **Action 3** is the same as the **Alternative 1 (No Action)** alternative here in **Action 7**. In 2017, the PSE for dolphin was 18%. Only king and Spanish mackerel had lower PSEs. The same year, the PSE for wahoo was 23.7%. It is not likely in the foreseeable future that either species will reach even the lowest PSE threshold for exclusion. Therefore, **Alternative 3** along with its sub-alternatives is probably irrelevant.

Committee Action:

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- **OTHER**

Action 8. Revise post-season, recreational accountability measures

Action Alternatives:

Alternative 1 (No Action). Retain the current accountability measures for the recreational sector for dolphin and wahoo.

Alternative 2. Do not specify post-season accountability measures.

Alternative 3. Only specify post-season accountability measures if:

Sub-alternative 3a. 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.

Sub-alternative 3b. 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.

Sub-alternative 3c. Recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years.

Sub-alternative 3d. The total (commercial and recreational combined) annual catch limit is exceeded.

Sub-alternative 3e. 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.

Discussion:

Neither dolphin nor wahoo have exceeded their recreational sector ACLs. The recreational sector ACL in 2016 for dolphin was 13,810,361 lbs ww. In 2014 and 2015, the recreational sector ACL for dolphin was 14,187,845 lbs ww. The highest recreational dolphin landings in the time series was 7,586,553 lbs ww. The recreational sector ACL for wahoo for 2014 – 2016 was 1,724,418 lbs ww. The highest landings were in 2016 at 1,570,951 lbs ww. However, wahoo landings tend to show a lot of variability from year to year. In 2014, only 656,871 lbs ww were reported as landed. Any of the sub-alternatives under **Alternative 3** are likely to result in AMs being triggered for either of these species.

Committee Action:

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- OTHER

Action 9. Revise actions that will occur if the post-season accountability measure is triggered.

Action Alternatives:

Alternative 1 (No Action). Retain the current accountability measures for the recreational sector for dolphin and wahoo.

Alternative 2. If the post-season accountability measure is triggered, reduce the length of the following fishing season by:

Sub-alternative 2a. 1 month.

Sub-alternative 2b. 2 months.

Sub-alternative 2c. 3 months.

Alternative 3. If the post-season accountability measure is triggered, reduce the bag limit or vessel limit in the following fishing season by:

Sub-alternative 3a. 1 fish per person

Sub-alternative 3a. 2 fish per person

Sub-alternative 3a. 3 fish per person

Sub-alternative 3a. 1 fish per vessel

Alternative 4. If the post-season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season.

Alternative 5. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to reduce the probability of an overage.

Discussion:

Alternatives 2 and 3 are pretty self-explanatory. **Alternative 4** would reduce the ACL, but not shorten the season. If there are no in season AMs that could stop fishing, reducing the ACL in the following by the amount of the overage could only exacerbate ACL overages by increasing the likelihood that the new, lower ACL was met. **Alternative 5** would reduce the likelihood of going over the recreational ACL by reducing the season based on the actual catch rate that would end the season early enough to reduce the probability of an overage. Regardless of what alternative would be chosen under **Action 9**, it is unlikely to have an effect on dolphin or wahoo recreational landings since neither has exceeded the recreational ACL in the past. Choosing a preferred alternative for **Action 9** in line with what is chosen in **Action 5** for snapper grouper species would most like be for continuity between species.

Committee Action:

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- **OTHER**

Action 10. Announce starting and ending dates before a season starts

Action Alternatives:

Alternative 1 (No Action). The fishing year for dolphin and wahoo are the same as the calendar year. There are no in-season closures for the recreational sector for dolphin and wahoo.

Alternative 2. NMFS 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.

Discussion:

Under **Alternative 2**, NMFS would follow the same procedure currently in use for black sea bass (described under **Action 6**) for dolphin and wahoo. Since the recreational ACLs for these species have not been met in the past, it is unlikely that the length fishing year announced in a fishery bulletin for either would be anything other than the calendar year.

Committee Action:

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- **OTHER**

Below is a draft motion for the committee should they decide to recommend that the Council send this amendment out for scoping.

DRAFT MOTION: RECOMMEND THE COUNCIL SEND SNAPPER GROUPER REGULATORY AMENDMENT 31 AND DOLPHIN WAHOO REGULATORY AMENDMENT 2 OUT FOR SCOPING VIA WEBINAR PRIOR TO THE MARCH 2019 COUNCIL MEETING.