

# 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.

Public hearings for the amendment are scheduled to take place at the September 2018 meeting during the public comment session. Comments received on the amendment will be available before action is taken during the Full Council Session. The Council is scheduled to approve the amendment in December 2018 to allow adequate time to implement a new rebuilding plan before the statutory deadline of September 27, 2019. A potential confounding factor for this schedule is the MRIP revision stock assessment that the Council will review at their December 2018 meeting, which has the potential to alter the rebuilding timeline for red grouper.

## 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 and possession and 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, modify, and approve a purpose and need for the amendment
- Review, modify, and approve wording for the actions and alternatives
- Select or reconfirm preferred alternatives as appropriate

## Expected amendment timing

The September 2018 Council meeting is the first time that the Council will be reviewing Snapper Grouper Regulatory Amendment 30.

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 final changes to purpose and need statements as well as actions/alternatives of Regulatory Amendment 30.
- December 2018 Council takes final action on Snapper Grouper Regulatory Amendment 30.
- December 2018 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 end overfishing and 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.

### **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

### 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.
- None of the proposed alternatives to revise the rebuilding schedule have direct effects on the red grouper fishery. There are regulations currently in place (i.e., ACLs and accountability measures (AMs)) to control the level of harvest and the proposed action is not expected to alter the manner in which the red grouper resource is exploited.
- $T_{\max}$  and  $T_{\min}$  are set according to guidance found in National Standard 1.  $T_{\min}$  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 SEDAR 53, this is 6 years, thus  $T_{\min}$  is specified as 6 years in **Alternative 2**.
- 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 could result in more restrictive management measures, but would theoretically translate into higher biological benefits for the stock.
- A standard assessment for red grouper is scheduled to start in 2021. The likely FMP amendment that will occur due to this standard assessment will correspond with the SSC’s recommended timing to revisit the appropriate long-term recruitment assumption for red grouper. The rebuilding schedule will likely be revisited at that time based on the decision that is made for long-term recruitment.

### 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 6 years with the rebuilding time period ending in 2023. 2018 would be Year 1.

**Alternative 3.** Revise the rebuilding schedule to equal 8 years with the rebuilding time period ending in 2025. 2018 would be Year 1.

**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 2027. 2018 would be Year 1.

**SSC/Advisory Panel Recommendations:**

- None

**Public Comments:**

- None

**IPT Recommendations:**

- None

**Committee Action:**

- **MODIFY ACTION AND ALTERNATIVES AS NECESSARY**
- **SELECT PREFERRED ALTERNATIVE**
- **OTHER?**

## 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

### 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 2%. 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.

### 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). ~~Off North Carolina and South Carolina, revise the timing of these restrictions only for red grouper as follows:~~ 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)

**Table 1.** Preliminary 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	Projected Change in Landings (#s of fish)
<b>Pref. Sub-alternative 2a (Jan-May)</b>	<b>-40</b>
Sub-alternative 2b (Feb-May)	-40
Sub-alternative 2c (Mar-Jun)	-80

**Table 2.** Predicted South Atlantic red grouper recreational closure dates for the recreational ACLs. 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:**

- None

**Public Comments:**

- One commenter from the Florida Keys maintains 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.

**IPT Recommendations:**

- Recommended changes are in the highlighted text above.

**Committee Action:**

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

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

#### **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 **Figure 1** and **Table 3** are an upper bound for what might be landed if the closure months were modified.

#### **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.

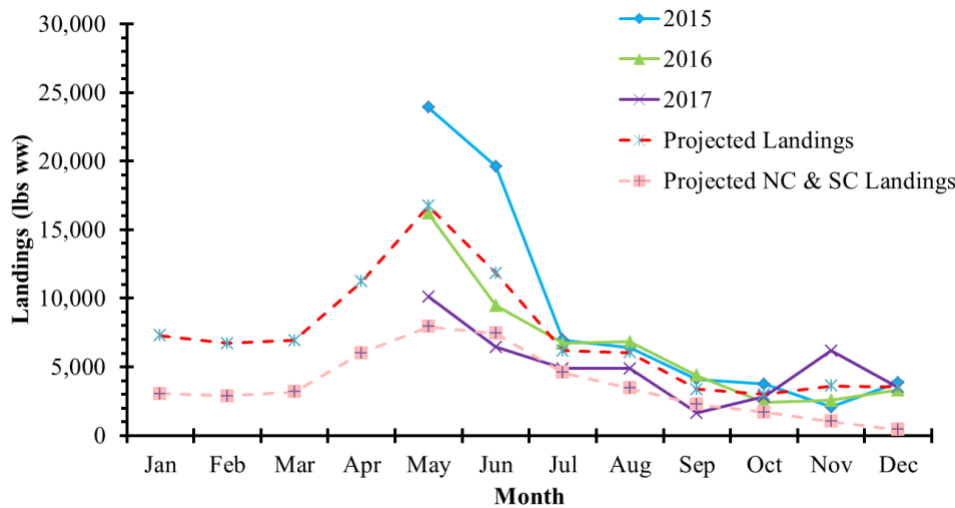
**Preferred Alternative 2.** During January through April, no person may fish for, harvest, or possess in or from the South Atlantic exclusive economic zone any shallow-water grouper (gag, black grouper, scamp, red grouper, yellowfin grouper, yellowmouth grouper, red hind, rock hind, graysby, or coney).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





**Figure 1.** South Atlantic red grouper commercial landings (pounds whole weight; lbs ww) by month for 2015-2017 and projected landings for a change in the spawning season solely for red grouper. Projected January through April landings (for all states and North Carolina and South Carolina) were estimated using May landings, and the ratio was determined from historic landings from 2007-2009.

**Table 3.** Projected change in commercial red grouper landings (pounds whole weight; lbs ww) compared to the no action alternative by modifying the commercial seasonal prohibition for red grouper.

Sub-alternative	Projected Change in Landings (lbs ww)	Percent of Annual Landings
<b>Pref. Sub-alternative 2a (Jan-May)</b>	<b>-7,935</b>	<b>-15%</b>
Sub-alternative 2b (Feb-May)	-4,888	-9%
Sub-alternative 2c (Mar-Jun)	-9,347	-17%

**SSC/Advisory Panel Recommendations:**

- None

**Public Comments:**

- One commenter from North Carolina thinks that red grouper should be managed as a by-catch fishery until the stock rebounds. He suggests 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.

**IPT Recommendations:**

- Recommended changes are in the highlighted text above.

**Committee Action:**

- **APPROVE THE IPT'S SUGGESTED EDITS**
- **DO NOT APPROVE THE IPT'S SUGGESTED EDITS (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE)**
- **CONFIRM PREFERRED ALTERNATIVE/SUB-ALTERNATIVE**
- **OTHER?**

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

### Discussion:

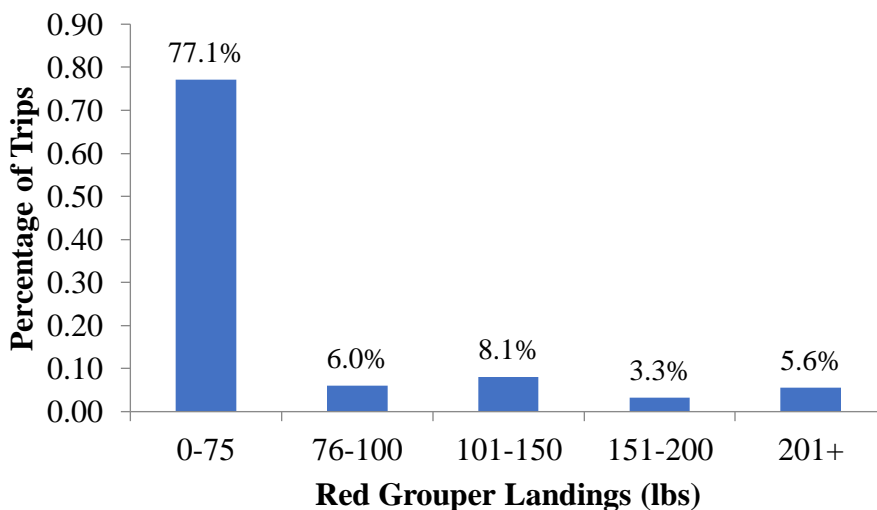
- The Committee provided direction to staff to include this action at the June 2018 Council meeting. This is the first time that the Committee has seen the wording of this action or the analysis.
- Between 2015 and 2017, a total of 2,447 commercial trips harvested at least one pound of red grouper, and 77% of those commercial trips landed 75 lbs or less of red grouper (**Figure 2**).
- Under **Alternative 2** and its **sub-alternatives**, the total South Atlantic commercial landings of red grouper would be reduced between 12% and 37% without a change to the spawning season closure (**Table 4**) and reduced between 11% and 36% with a change to the spawning season closure by adding the month of May off of the EEZ in the Carolinas (Action 3 preferred Sub-alternative 2a) (**Table 5**).
- No in-season closures for commercial South Atlantic red grouper would occur for the proposed commercial trip limit alternatives.

### Action Alternatives:

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

**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
- Sub-alternative 2d.** 200 pounds gutted weight



**Figure 2.** 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 South Atlantic red grouper commercial landings for **Action 4** without the addition of May to the spawning season closure for the EEZ off of North Carolina and South Carolina.

<b>Action 4 Sub-alternatives</b>	<b>Predicted Landings (lbs ww)</b>	<b>Percent Reduction from Alternative 1 (No Action)</b>
Alternative 1 (No Action) (Action 3 No Action + No trip limit)	54,339	0%
Sub-Alternative 2a (Action 3 No Action + 75 lbs gw trip limit)	34,302	36.9%
Sub-Alternative 2b (Action 3 No Action + 100 lbs gw trip limit)	38,989	28.3%
Sub-Alternative 2c (Action 3 No Action + 150 lbs gw trip limit)	44,782	17.6%
Sub-Alternative 2d (Action 3 No Action + 200 lbs gw trip limit)	48,102	11.5%

**Table 5.** Projected South Atlantic red grouper commercial landings for **Action 4** with 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).

<b>Action 4 Sub-alternatives</b>	<b>Predicted Landings (lbs ww)</b>	<b>Percent Reduction from Alternative 1 (No Action)</b>
Alternative 1 (No Action) (Action 3 pref. Sub-alt 2a + No trip limit)	46,404	0%
Sub-Alternative 2a (Action 3 pref. Sub-alt 2a + 75 lbs gw trip limit)	29,491	36.4%
Sub-Alternative 2b (Action 3 pref. Sub-alt 2a + 100 lbs gw trip limit)	33,461	27.9%
Sub-Alternative 2c (Action 3 pref. Sub-alt 2a + 150 lbs gw trip limit)	38,341	17.4%
Sub-Alternative 2d (Action 3 pref. Sub-alt 2a + 200 lbs gw trip limit)	41,099	11.4%

**Public Comments:**

- One commenter from North Carolina thinks that red grouper should be managed as a by-catch fishery until the stock rebounds. He suggests 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 #1: RECOMMEND THAT THE COUNCIL CONSIDER A BYCATCH COMMERCIAL TRIP LIMIT FOR RED GROUPER APPROVED BY AP (UNANIMOUS)**

### **IPT Recommendations:**

- Wording for the action and alternatives was written by the IPT but has not been approved by the Council.

### **Committee Action:**

- **APPROVE THE SUGGESTED ACTION AND RANGE OF ALTERNATIVES**
- **DO NOT APPROVE THE SUGGESTED ACTION AND RANGE OF ALTERNATIVES (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE)**
- **SELECT PREFERRED ALTERNATIVE/SUB-ALTERNATIVE**
- **OTHER?**

### **Committee Action:**

- **APPROVE ALL ACTIONS IN REGULATORY AMENDMENT 30, AS MODIFIED, TO CONSIDER FOR FINAL APPROVAL IN DECEMBER 2018**
- **DO NOT APPROVE ACTIONS IN REGULATORY AMENDMENT 30 (COMMITTEE TO SUGGEST MODIFICATIONS AND APPROVE ADJUSTED TIMELINE)**
- **OTHERS?**