

# Regulatory Amendment 32 Revise accountability measures for yellowtail snapper

## Decision Document

September 2018

## Background

Regulatory Amendment 32 would revise accountability measures (AMs) for yellowtail snapper to minimize the probability on in-season closures for the commercial sector over the short-term.

The commercial sector for yellowtail snapper met its annual catch limit (ACL) in 2015 and there was an in-season closure of the commercial sector from October 31 to December 31, 2015. In that same year, the recreational sector only harvested 55% of its ACL. The South Atlantic Council began discussing possible management changes for yellowtail snapper in 2015. An amendment (Snapper Grouper Amendment 44) was initiated to consider a mechanism to allow quota sharing between the commercial and recreational sectors or reallocating the total ACL. The amendment was ultimately postponed pending revisions to recreational landings estimates as a result of changes to the Marine Recreational Information Program (MRIP). Meanwhile, the yellowtail snapper fishing year for both the commercial and recreational sectors was changed from January-December to August-July (Regulatory Amendment 25, SAFMC 2015). The commercial sector for yellowtail snapper met its ACL again in 2017 and the commercial sector was closed from June 3 to July 31, 2017. The recreational sector only harvested 49% of its ACL in 2017. Long-term management measures for yellowtail snapper will continue to be developed through Amendment 44; however, the South Atlantic Council acknowledged the need for short-term measures to alleviate adverse social and economic effects from recent in-season closures and the 2017 hurricanes. Hence, the South Atlantic Council is developing Regulatory Amendment 32 to consider modifying the yellowtail snapper AMs to minimize the probability of in-season closures for the commercial sector and consequent adverse social and economic effects.

During the June 2018 meeting, the Committee:

- Reviewed an options paper for this amendment.
- Clarified that actions in this amendment are short-term solutions to alleviate the impacts of in-season closures and acknowledged a stock assessment will be completed for yellowtail snapper in the next year or two and modifications to management may also be warranted after the revisions to MRIP recreational landings estimates become available later this year.
- Approved the draft Purpose and Need
- Directed staff to add alternatives to Action 1 that would allow equitable access to both the commercial and recreational sectors.
- Removed Action 2 from consideration. Action 2 would have modified post-season AMs for yellowtail snapper.
- Directed staff to conduct scoping hearings for Regulatory Amendment 32. Scoping hearings were held via webinar on August 15 and 16, 2018.

## Actions in this amendment

- **Action 1:** Revise the In-Season Accountability Measures for Yellowtail Snapper

## Objectives for this meeting

- Review scoping comments
- Approve the range of alternatives
- Review preliminary analyses
- Consider approval for public hearings

## Expected amendment timing

September 2018	Review changes from June and approve for public hearings.
December 2018	Review public hearing comments, modify the document as appropriate, and consider approval for formal review.

## Summary of Scoping Comments

Scoping hearings were conducted via webinar on August 15 and 16, 2018. Scoping materials (document and presentation) were made available on the Council's website on August 1 and comments were accepted until August 17, 2018. No comments were submitted online and no written comments were received in the mail. Below is a summary of the comments provided (see **Appendix A** for transcript).

One commenter from the Florida Keys stated that the fish house where she operates from had a devastating season last year due to hurricanes and had to shut down during June and July because there was no yellowtail available. She clarified she was not speaking on the fish house's behalf but simply relating facts to illustrate the financial hardship of businesses that depend on yellowtail snapper. She expressed support for Alternative 2.

One commenter from the Florida Keys expressed disappointment over the Councils (South Atlantic and Gulf) pace at addressing the yellowtail snapper allocation issue. He stated reiterated the importance of the yellowtail snapper resource to the Florida Keys economy. He expressed support for combining the South Atlantic and Gulf ACLs for yellowtail snapper but agreed that Alternative 2 would work over the short term.

A third commenter from the Florida Keys also expressed support for Alternative 2 to temporarily alleviate the issue.

## Purpose and need statement

### Purpose for Action

The purpose of this amendment is to revise accountability measures to minimize the probability of in-season closures for yellowtail snapper.

### Need for Action

The need for the amendment is to achieve optimum yield for yellowtail snapper while minimizing, to the extent possible, adverse social and economic effects due to in-season closures.

### Committee Action:

NONE REQUIRED

## Proposed Actions and Alternatives

### Action 1. Revise the In-season Accountability Measures for Yellowtail Snapper

**Alternative 1 (No Action).** The current commercial and recreational in-season accountability measures are to close the respective sector if that sector's annual catch limit is met or is projected to be met.

**Alternative 2.** An in-season closure will not occur for either sector until the total annual catch limit is met or is projected to be met. Close both sectors when the total annual catch limit is met or is projected to be met.

**Alternative 3.** An in-season closure will occur for the commercial sector if the commercial annual catch limit has been met and the total catch (commercial and recreational) reaches, or is projected to reach, 80% of the total annual catch limit.

**Alternative 4.** An in-season closure will occur for the commercial sector if the commercial annual catch limit has been met and the total catch (commercial and recreational) reaches, or is projected to reach, 70% of the total annual catch limit.

### Discussion:

- **Alternative 4** would be the most conservative biologically in terms of expected landings, followed by **Alternative 1 (No Action)**, **Alternative 3**, and **Alternative 2 (Table 1)**.
- An in-season closure for the commercial sector would be expected in mid-May under **Alternative 1 (No Action)** whereas **Alternative 2** would not result in an in-season closure and combined landings are expected to amount to 93% of the total ACL (**Table 2**).
- **Alternatives 3** and **4** are expected to result in the commercial sector harvesting its ACL before the end of the season and combined landings (commercial and recreational) reaching 84% and 76% of the total ACL, respectively, resulting in closures for the commercial sector (**Table 2**).
- None of the alternatives considered would result in an in-season closure for the recreational sector (**Table 2**).
- The estimated change in yellowtail snapper landings and estimated change in ex-vessel value for the proposed alternatives relative to **Alternative 1 (No Action)** are provided in **Table 3**.
- In terms of the anticipated direct positive economic effects, **Alternative 2** is expected to generate the most positive effects followed by **Alternative 3**, **Alternative 1 (No Action)**, and **Alternative 4**.

**Table 1.** Projected landings (pounds whole weight (lbs ww)) of yellowtail snapper under proposed alternatives in Action 1. The current recreational ACL is 1,440,990 lbs ww; current commercial ACL is 1,596,510 lbs ww. The combined (total) ACL is 3,037,500 lbs ww.

Alternative	Pounds (whole weight) available for harvest by Rec. Sector	Projected Rec Landings	Pounds (whole weight) available for harvest by Rec. Sector	Projected Comm Landings	Projected Total Landings	% Total ACL Landed
No Action	1,440,990	738,194	1,596,510	1,596,510	2,334,704	77%
Alt 2	3,037,500 (Total ACL)	738,194	3,037,500 (Total ACL)	2,078,627	2,816,821	93%
Alt 3	3,037,500 (Total ACL)	738,194	2,430,000 (80% Total ACL)	1,798,473	2,536,667	84%
Alt 4	3,037,500 (Total ACL)	738,194	2,126,250 (70% Total ACL)	1,578,954	2,317,148	76%

**Table 2.** Projected South Atlantic yellowtail snapper commercial and recreational closure dates under each proposed alternative in Action 1.

Alternative	Projected Rec Closure Date	Projected Comm Closure Date
Alt 1 (No Action)	No closure	May 14
Alt 2	No closure	No closure
Alt 3	No closure	June 11
Alt 4	No closure	May 12

**Table 3.** Estimated change in ex-vessel value for commercial landings of yellowtail snapper relative to Alternative 1 (No Action) for Action 1.

Alternative	Estimated change in commercial landings (lbs gw)	Estimated change in ex-vessel value (2017 dollars)
Alternative 2	434,340	\$1,507,159
Alternative 3	181,949	\$631,362
Alternative 4	-15,816	-\$54,882

**Committee Action:**

- APPROVE RANGE OF ALTERNATIVES
- CONSIDER SCOPING COMMENTS AND SELECT PREFERRED ALTERNATIVE, AS APPROPRIATE
- APPROVE REGULATORY AMENDMENT 32 FOR PUBLIC HEARINGS
- OTHERS?

## Appendix A. Regulatory Amendment 32 Scoping Comments

### Webinar Questions Log

Q: Why isn't a hard allocation to the commercial sector being considered under Action 1? [Bill Kelly]

Q: Would a “slow down” measure be considered? Instead of an in season closure for commercial sector at 70 or 80 percent maybe a trip limit imposed at an agreed ACL percentage?? [James Paskiewicz]

Q: What determined the mark at 70% or 80%? [James Paskiewicz]

Q: It really seems that it's not a coupling of Rec and Commercial On the whole. It seems almost status quo [James Paskiewicz]

Q: Along with what Bill is saying a hard allocation may be worth discussing. [James Paskiewicz]

Q: Option 1 is looking best but what happens when the “numbers on paper” shift? [James Paskiewicz]

Q: Are there any recreational accountability measures going to be implemented along with this? [James Paskiewicz]

Q: Will recreational landings be processed any differently? [James Paskiewicz]

Q: Option one is clearly the best at the moment to move forward on the short term. [James Paskiewicz]

**SG REG AMENDMENT 32 SCOPING  
WEBINAR  
AUGUST 15, 2018**

MRS. STAFFORD: Hi, yes I would like to submit the comment that the fish house I have been operating out of for the last few years came out of a devastating season last year with the hurricane and then they went into having their entire operation shut down for the summer for June and July and, because there was no yellowtail available for their fishermen, and they have quite a few yellowtail boats there and it's just a real hardship for them. And I know that I'm not speaking necessarily on their behalf just that I'm aware that it was a financial hardship for them and I would suggest, considering opening up the allowable catch limit since that's somewhat arbitrary anyway. That limit, it's not like that been, not to my knowledge, that's not been scientifically proven that even approaching that number is going to cause irreparable harm to the fish stocks. I would have to go back and look them again, but I think it was Option 1, I believe. Yes. Okay, thank you.

(Whereupon, the Public Hearing was adjourned.)

Transcribed By:  
Kimberly Cole  
August 21, 2018

**SG REGULATORY AMENDMENT 32 PUBLIC HEARING  
WEBINAR  
AUGUST 16, 2018**

MR. KELLY: Huh, yes, in regarding allocation issues here, just on the tables you've shown, we've seen six years here where the recreational sector left half a million pounds or better unharvested, but that, it's gone on for much longer than that. For well over ten years. It's disappointing that The Councils are moving so slowly in addressing this issue considering the options they've had including the past couple of years here, most commonly referred to and the "Bosarge Plan", that'll delay any fears or concerns that the recreational sector had by allocating or loaning the fish over to the commercial side and then setting appropriate triggers once, if and fact, the recreational harvest had ramped itself up. The requirement under Magnusson for The Councils to allocate appropriately, and some of these allocations are, just almost prehistoric in terms of modern day science and fishing techniques and we would certainly think there'd behoove The Councils to allocate accordingly in response to Magnusson as required and we'd like to see some affirmative action. We've been very proactive in the past few years, you know, changing the fishing year and anticipating that there will be an adjustment in allocation. The change in the fishing year occurred so fast that it's made our head's spin, that we didn't get a single pound of allocation come over to the commercial side. That's most frustrating and disappointing and in years like this where we have a significant hurricane, it significantly impacts our local economy down here in the Florida Keys where better than 90% of those Yellowtail Snappers are harvested.

With what you're showing I would imagine just combining both ACLs, you know, in discussions with the Gulf Council and some of the council members over there said "Hey look, we could bail you out by combining both our allocation and The South Atlantic because it's science based, it's one stock anyway" but the push back from The Gulf Council members, some of them, was that, hey, The South Atlantic Council has the tools that they need to correct this themselves, they don't need us to bail them out. And, you know, so, looking at what you're offering right now, I would think combining the recreational and commercial ACL seems to be the most appropriate action.

Well in Action 1, what's Alternative 2? Obviously, I'm misunderstanding here. And it says close both sectors when the total annual catch limit is met or is projected to be met. So... All right then, in Action 1 obviously I think Alternative 2 would, for the short term, solve the problem. In the paper work I'm looking at, Regulatory Amendment 32 it says: "Action 1, Alternative 1 is no action, Alternative 2, which I had just read. And that is both sectors would close when the annual catch limit is met or projected to be met.

(Whereupon, the Public Hearing was adjourned.)

Transcribed By:  
Kimberly Cole  
August 21, 2018