

Regulatory Amendment 29 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region



Photo: Brendan Runde, Department of Applied Ecology, NCSU

Options Paper



Regulatory Amendment 29 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Regulatory Amendment 29) would require the use of best fishing practices and adjust powerhead regulations.

June 2018

Why is the Council Considering Action?

Commercial and recreational fishermen have complained about regulations that result in released fish that do not survive. This has been particularly true for red snapper since 2014. Based on fishery independent studies, the population of red snapper has increased. As a result, fishermen are reporting an increase in the number of released red snapper. A portion of released fish will die due to foul hooking, injuries caused by barotrauma (injury due to expansion of gas when reeled up from depth), and predation. To reduce the number of released fish and improve the survivorship of released fish, the Council may consider best fishing practices as either mandatory or voluntary options.

Best fishing practices can be effective in reducing bycatch and discard mortality by avoiding non-targeted species or sizes through fishing techniques or gear, using appropriate gear to minimize impacts of capture, and by releasing the fish with minimal handling and time out of the water. Common examples of best fishing practices include recompressing fish, reducing the number of hooks fished, using hooks that reduce or minimize gut hooking or foul-hooking, using knotless landing nets, etc. Several groups have developed recommendations for best fishing practices, including: FishSmart.org, [Florida Sea Grant](http://FloridaSeaGrant.org), [North Carolina Division of Marine Fisheries](http://NorthCarolinaDivisionofMarineFisheries.org), and [NOAA](http://NOAA.gov).

Additionally, fishermen have expressed concern regarding inequitable access for the dive component of the snapper grouper fishery. Powerheads or bang sticks (spears with a charge that is fired when in contact with target) are prohibited in federal waters off South Carolina. To allow for more consistent regulations for the dive component of the snapper grouper fishery, the Council may consider lifting the powerhead prohibition in federal waters off South Carolina.

How Does This Amendment Match the 2016-2020 Vision Blueprint for the Snapper Grouper Fishery?

The 2016-2020 Vision Blueprint for the Snapper Grouper Fishery (Vision Blueprint) was approved in December 2015 and is intended to inform management of the snapper grouper fishery through 2020. As such, the Vision Blueprint serves as a “living document” to help guide future management, build on stakeholder input and how the South Atlantic Council envisions future management of the fishery, guide the development of new amendments that address priority objectives and strategies, and illustrate actions that could be developed through the regular amendment process. The Vision Blueprint is organized into four strategic goal areas: (1) Science, (2) Management, (3) Communication, and (4) Governance. Each goal area has a set of objectives, strategies, and actions. The actions in Regulatory Amendment 29 correspond to different objectives and strategies in the Vision Blueprint.

Action 1 includes best fishing practices intended to reduce discards and discard mortality for snapper grouper species. Some of the alternatives were suggested during Vision Meetings including the use of single hook rigs when targeting deep-water species and requiring descending devices. The circle hook alternatives were developed based on management in other areas and include an option to remove circle hooks.

Action 2 includes alternatives to provide consistent regulations for the dive component of the snapper grouper fishery. Currently, South Carolina is the only state where powerheads are prohibited. The alternatives include options to remove the powerhead restriction off South Carolina and consider not allowing powerheads when fishing in federal waters of the South Atlantic EEZ.

Draft Amendment Timing

Process Steps		Dates
✓	Review draft options paper	March 2018
	Approve for scoping	June 2018
	Scoping hearings	August 2018
	Review scoping comments, approve actions/alternatives to be analyzed.	September 2018
	Review draft amendment, modify as necessary, select preferred alternatives, and approve for public hearings.	December 2018
	Public hearings	January 2019
	Review public hearing comments, approve all actions and alternatives.	March 2019
	Final action to approve for Secretarial review	June 2019

Draft Purpose and Need Statement

Purpose for Actions

The *purpose* is to encourage the use of best fishing practices in the snapper grouper fishery and to ensure consistent regulations for the dive component of the snapper grouper fishery.

Need for Actions

The *need* is to reduce discards and discard mortality of snapper grouper species and to decrease the burden of compliance with differing regulations for the dive component of the snapper grouper fishery while minimizing, to the extent practicable, adverse social and economic effects.

Possible Actions and Alternatives

Action 1. Specify requirements for the use of descending devices and/or venting devices when possessing species in the snapper grouper fishery management unit.

Alternative 1 (No Action). Do not require an approved descending device and/or venting device to be onboard a vessel possessing species in the snapper grouper fishery management unit.

Alternative 2. Require an approved *venting device* be onboard a vessel possessing species in the snapper grouper fishery management unit.

Sub-alternative 2a. recreational vessels.

Sub-alternative 2b. commercially permitted South Atlantic snapper grouper vessels.

Alternative 3. Require an approved *descending device* be onboard a vessel possessing species in the snapper grouper fishery management unit.

Sub-alternative 3a. recreational vessels.

Sub-alternative 3b. commercially permitted South Atlantic snapper grouper vessels.

Alternative 4. Require an approved venting device *or* an approved descending device be onboard a vessel possessing species in the snapper grouper fishery management unit.

Sub-alternative 3a. recreational vessels.

Sub-alternative 3b. commercially permitted South Atlantic snapper grouper vessels.

Discussion:

Venting devices are currently defined in the CFR as “a device intended to deflate the abdominal cavity of a fish to release the fish with minimum damage.” (50 CFR 622.2). Descending devices are not currently defined in the CFR. Currently, descending devices and venting devices are not required to be onboard commercially permitted South Atlantic snapper grouper vessels or recreational vessels targeting snapper grouper species.

In June 2016, the NMFS Southeast Regional Office (SERO) completed a Biological Opinion (BiOp) on the snapper grouper fishery of the South Atlantic region and concluded that the fishery’s continued authorization would not jeopardize the continued existence Endangered Species Act-listed species. However, listed in the terms and conditions of the BiOp was a measure to assess the effectiveness of fishing practices that reduce fishing mortality, including de-hooking and treatment of barotrauma. This action could address impacts to incidentally-caught Nassau grouper.

Washington created a regulation requiring the use of descending devices, which are defined as “a device used for the rapid descent or recompression of fish.”¹ The regulation requiring the use of descending devices states that “It is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning fish to depth of capture” (WAC 220-310-110(5)). In addition to the regulations, Washington Department of Fish and Wildlife publishes outreach material for saltwater anglers that provides additional detail regarding the purchase or construction of descending devices.²

Committee Action:

REVIEW AND MODIFY THE SUGGESTED ACTION AND ALTERNATIVES
APPROVE THE INCLUSION OF ACTION 1 IN REGULATORY AMENDMENT 29
OTHER?

¹ https://wdfw.wa.gov/publications/01914/2017-18_marine.pdf

² <https://wdfw.wa.gov/fishing/bottomfish/rockfish/mortality.html>

Action 2. Modify the requirement for the use of non-stainless-steel circle hooks when fishing for and/or possessing snapper grouper species with hook-and-line gear.

Alternative 1 (No Action). Require the use of non-stainless-steel circle hooks when fishing for and/or possessing snapper grouper species with hook-and-line gear and natural baits north of 28 degrees north latitude.

Alternative 2. Require the use of non-stainless-steel circle hooks when fishing for and/or possessing snapper grouper species with hook-and-line gear and natural baits in federal waters:

Sub-alternative 2a. north of 25° 09' north latitude on the east coast of Monroe County (approximately Key Largo, Florida).

Sub-alternative 2b. of the South Atlantic exclusive economic zone.

Alternative 3. Require the use of *non-offset*, non-stainless-steel circle hooks when fishing for and/or possessing snapper grouper species with hook-and-line gear and natural baits in federal waters:

Sub-alternative 3a. north of 28 degrees north latitude (approximately 25 miles south of Cape Canaveral, Florida).

Sub-alternative 3b. north of 25° 09' north latitude on the east coast of Monroe County (approximately Key Largo, Florida).

Sub-alternative 3c. of the South Atlantic exclusive economic zone.

Alternative 4. Require *non-offset*, non-stainless-steel circle hooks be *onboard* a vessel possessing species in the snapper grouper fishery management unit when fishing in federal waters:

Sub-alternative 4a. north of 28 degrees north latitude (approximately 25 miles south of Cape Canaveral, Florida).

Sub-alternative 4b. north of 25° 09' north latitude on the east coast of Monroe County (approximately Key Largo, Florida).

Sub-alternative 4c. of the South Atlantic exclusive economic zone.

Alternative 5. Remove the requirement for use of non-stainless-steel circle hooks for when fishing for and/or possessing snapper grouper species with hook-and-line gear north of 28 degrees north latitude:

Sub-alternative 5a. commercially permitted snapper grouper vessels South Atlantic snapper grouper vessels.

Sub-alternative 5b. recreational vessels.

Discussion:

Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region required the use of non-stainless-steel circle hooks when fishing for and/or possessing snapper grouper species with hook-and-line gear and natural baits north of 28 degrees north latitude. The CFR defines a circle hook as “a fishing hook designed and manufactured so

that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape.” Non-offset circle hooks, though not defined in the CFR or required by current regulations, are circle hooks where the point of the hook lines up with the shank. Studies have shown that the use of circle hooks results in a reduction of potentially lethal hooking injuries, though results vary by species.

In addition to considering the use of descending devices for incidentally caught Nassau grouper, the terms and conditions in 2016 Biological Opinion on the snapper grouper fishery of the South Atlantic includes a measure to assess the effectiveness of non-stainless-steel circle hooks on reducing injury and mortality to Nassau grouper and, if effective, consider revisions of regulations to expand the use of circle hooks south of 28 degrees north latitude.

In 2016, the Gulf of Mexico Fishery Management Council (Gulf Council) modified gear requirements that required anglers fishing in federal waters use non-stainless steel circle hooks when catching reef fish with natural bait. The 2016 Framework Amendment removed the requirement to use circle hooks when commercial fishing with natural bait for yellowtail snapper south of 25° 09’ north latitude on the west coast of Monroe County, Florida (Cape Sable) south to the Gulf Council jurisdictional boundary. The Gulf Council modified their regulations to address fishermen concerns that the yellowtail snapper fishery in southern Florida is prosecuted in such a way that results in small circle hooks be swallowed by fish or snagged in the fish’s gut, increasing mortality. Additionally, the gear exemption was adopted over the smallest effective area possible to reduce the likelihood of increasing discard mortality in other parts of the Gulf of Mexico.

Committee Action:

REVIEW AND MODIFY THE SUGGESTED ACTION AND ALTERNATIVES
APPROVE THE INCLUSION OF ACTION 2 IN REGULATORY AMENDMENT 29
OTHER?

Action 3. Specify the allowable rigs when fishing for snapper grouper species with hook-and-line gear in the recreational sector.

Alternative 1 (No Action). Do not prohibit the use of multiple hook or multiple leader rigs.

Alternative 2. Require the use of single hook rigs.

Alternative 3. Require the use of a single leader.

Discussion:

Requiring the use of single hook rigs and/or the use of a single leader could result in fewer regulatory discards and subsequent mortality for snapper grouper species, resulting to long-term benefits to the fishery. Information on the prevalence of multi-hook vs. single-hook rigs is not readily available, but if multi-hook rigs are widely used throughout the recreational sector, private and for-hire fishermen may need to adjust their fishing behavior.

Note: Requiring recreational fishermen to use single-hook rigs when targeting deep-water snapper grouper species is being considered in Regulatory Amendment 26 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Recreational Visioning).

Committee Action:

REVIEW AND MODIFY THE SUGGESTED ACTION AND ALTERNATIVES
APPROVE THE INCLUSION OF ACTION 3 IN REGULATORY AMENDMENT 29
OTHER?

Action 4. Adjust powerhead prohibitions in the South Atlantic Region.

Alternative 1 (No Action). A powerhead may not be used in the exclusive economic zone off South Carolina to harvest South Atlantic snapper grouper. The possession of a mutilated South Atlantic snapper grouper species in or from the exclusive economic zone off South Carolina, and a powerhead is prima facie evidence that such fish was harvested by a powerhead.

Alternative 2. Allow the use of a powerhead to harvest South Atlantic snapper grouper species in the exclusive economic zone off South Carolina.

Alternative 3. Prohibit the use of a powerhead to harvest South Atlantic snapper grouper species in the exclusive economic zone of the South Atlantic Region.

Discussion:

Fishermen can use powerheads to harvest snapper grouper species in South Atlantic exclusive economic zone in all waters except off South Carolina (**Figure 1**). The CFR defines a powerhead as “any device with an explosive charge, usually attached to a spear gun, spear, pole, or stick, that fires a projectile upon contact.” (50 CFR 622.2). To have consistent regulations for fishermen in all states, the powerhead prohibition could be modified to allow the use of powerheads off South Carolina or prohibit their use in the South Atlantic exclusive economic zone. Allowing the use of powerheads off South Carolina would not remove the prohibition on powerhead use in special management zones found at 50 CFR §622.182(a)(2).

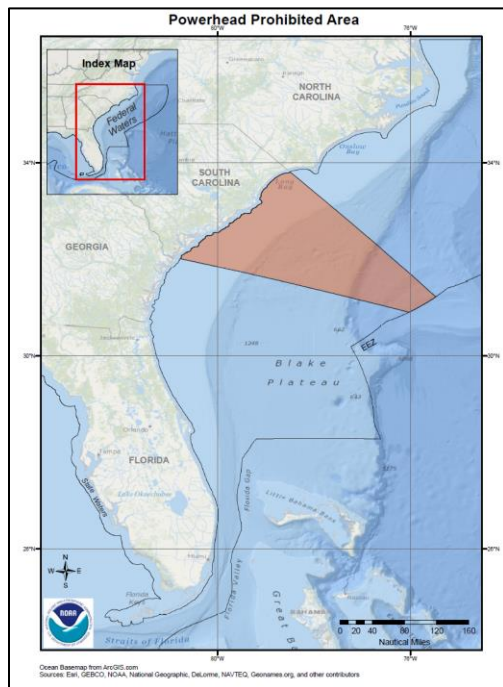


Figure 1. Map of the powerhead prohibited area.
Source: SERO GIS website.

Committee Action:

REVIEW AND MODIFY THE SUGGESTED ACTION AND ALTERNATIVES
APPROVE THE INCLUSION OF ACTION 4 IN REGULATORY AMENDMENT 29
OTHER?

CONSIDER REGULATORY AMENDMENT 29 FOR SCOPING

Draft Motion:

DRAFT MOTION: APPROVE SNAPPER GROUPEL REGULATORY AMENDMENT 29
FOR SCOPING.