

Amendment 43 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Law Enforcement AP Discussion Paper



Amendment 43 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Amendment 43) would management measures for red snapper, consider establishing recreational reporting requirements for the snapper grouper fishery, and develop best fishing practices.

5/5/2017

Several actions in Amendment 43 were requested to be removed by the Council until a new acceptable biological catch (ABC) is recommended by the Scientific and Statistical Committee (SSC). These actions will be added back to the document after an ABC has been recommended. Included in this document are five actions for the LEAP to comment on for their advice.

Actions 7 and 8 include alternatives for commercial and recreational management measures, respectively. The ABC for red snapper, which will be used to refine alternatives in **Actions 7 and 8**, is likely to be a low number and management measures will be needed to constrain harvest under the annual catch limits. In addition to landings, discards are a significant source of mortality in the red snapper fishery. The Council is seeking ways to reduce number of red snapper discarded and improve the survivorship of released fish. **Action 8** includes alternatives for recreational snapper grouper fishing area based on depth, the line would be developed with coordinates associated with the depth. Outside of the depth contour, fishing would be limited to a defined fishing season. The fishing season could be lined up with the deep-water fishing season (May-August) or other options.

*Review and comment on alternatives included in **Actions 7 and 8***

Action 7. Modify or Establish Management Measures for the Commercial Sector to Allow For Restricted Harvest While Ending Overfishing of Red Snapper in the South Atlantic Region.

Note: Multiple alternatives can be selected.

Alternative 1 (No Action). Red snapper may not be harvested, possessed, sold, or purchased in or from the South Atlantic EEZ, except if NMFS determines a limited amount of red snapper may be harvested or possessed in or from the South Atlantic EEZ. During a limited commercial fishing season, the commercial trip limit is 75 lbs gutted weight. The red snapper season will remain closed in 2016 and 2017 due to high number of red snapper caught in 2015.

Alternative 2. Prohibit commercial harvest of red snapper in or from the South Atlantic EEZ.

Sub-alternative 2a. June to September (avoiding peak spawning season for red snapper)

Sub-alternative 2b. May to October (avoiding spawning season for red snapper)

Sub-alternative 2d. year-round.

Alternative 3. Modify the commercial trip limit for federally-permitted vessels.

Sub-alternative 3a. trip limit

Sub-alternative 3b. trip limit

Sub-alternative 3c. trip limit

Note: Trip limit could be specified in number or weight.

Alternative 4. Establish a commercial minimum size limit (total length).

Sub-alternative 4a. 16 size limit

Sub-alternative 4b. 18 size limit

Sub-alternative 4c. 20 size limit

Note: Currently there is not a size limit

Alternative 5. Prohibit commercial possession and harvest of red snapper in or from South Atlantic EEZ using spearfishing gear.

Action 8. Modify or Establish Management Measures for the Recreational Sector to Allow For Restricted Harvest While Ending Overfishing of Red Snapper in the South Atlantic Region.

Note: Multiple alternatives can be selected.

Alternative 1 (No Action). Red snapper may not be harvested or possessed in or from the South Atlantic EEZ, except if NMFS determines a limited amount of red snapper may be harvested or possessed in or from the South Atlantic EEZ. The recreational bag limit is zero, except during a limited recreational fishing season.

Alternative 2. Allow recreational harvest of red snapper in or from the South Atlantic EEZ until the ACT is met or projected to be met.

Sub-alternative 2a. 1 month

Sub-alternative 2b. Saturdays and Sundays for 1 month

Sub-alternative 2c. 2 months

Sub-alternative 2d. 4 months

Sub-alternative 2e. do not allow for recreational harvest.

Alternative 3. Modify the recreational bag limit for red snapper.

Sub-alternative 3a. 1 per person

Sub-alternative 3b. 2 per person

Sub-alternative 3c. xx per vessel

Alternative 4. Establish a recreational minimum size limit (total length).

Sub-alternative 4a. 16 size limit

Sub-alternative 4b. 18 size limit

Sub-alternative 4c. 20 size limit

Note: Currently there is not a size limit

Alternative 5. Establish an allowable snapper grouper fishing area for recreational fisheries that would remain open year-round. Retention of red snapper in any area would be prohibited outside of the open season and fishing for snapper grouper would be allowed seasonally outside the year round fishing area. The snapper grouper fishing area is defined by depth.

Sub-alternative 5a. Establish an allowable snapper grouper fishing area in waters less than **150 feet** to remain open to snapper grouper fishing year-round.

Sub-alternative 5b. Establish an allowable snapper grouper fishing area in waters less than **120 feet** to remain open to snapper grouper fishing year-round.

Sub-alternative 5c. Establish an allowable snapper grouper fishing area in waters less than **110 feet** to remain open to snapper grouper fishing year-round.

Sub-alternative 5d. Establish an allowable snapper grouper fishing area in waters less than **100 feet** to remain open to snapper grouper fishing year-round.

Sub-alternative 5e. Establish an allowable snapper grouper fishing area in waters less

than **90 feet** to remain open to snapper grouper fishing year-round.

Sub-alternative 5f. Establish an allowable snapper grouper fishing area in waters less than **75 feet** to remain open to snapper grouper fishing year-round.

Alternative 6. Establish a snapper grouper fishing season for areas outside the allowable snapper grouper fishing area.

Sub-alternative 6a. The snapper grouper fishing season is May-August. (match the deep-water season)

Sub-alternative 6b. The snapper grouper fishing season is Jan-May. (avoid red snapper peak spawning months)

Sub-alternative 6c. The snapper grouper fishing season is October-December. (avoid red snapper peak spawning months)

Note: Number of months will need to be adjusted once an ABC is developed.

Alternative 7. Prohibit recreational fishing for, harvest, and possession of all species in the snapper grouper fishery management unit (FMU) year-round in an area **based on red snapper discards.**

Alternative 8. Prohibit recreational fishing for, harvest, and possession of all species in the snapper grouper fishery management unit (FMU) year-round in an area **based on red snapper abundance.**

*Note: Multiple areas could be recommended for closure if alternatives for **Alternatives 8 and 9** are selected. Minimum size criteria for the closed area should be recommended for the development of alternatives.*

Actions 9 and 10 in Amendment 43 are designed to identify private recreational snapper grouper anglers and improve recreational reporting due to overall low number of red snapper intercepts in the private recreational fishery. The goal of the permit is to better define the universe of fishermen. **Action 9** includes alternatives for permits, renewal conditions, and a tag approach. The tag approach has been explored in past documents with the SSC and will not be considered further unless the Council would like to see the alternative developed. The Interdisciplinary Plan Team (IPT) would like to discuss the benefits of issuing permit a vessel or a person.

Review and provide comments on developing a permit for private recreational vessel or fisherman and enforceability of an electronic private recreational permit?

Action 9. Establish a Private Recreational Snapper Grouper Permit or Tag Program for Recreational Fishermen to Fish For, Harvest, or Possess Red Snapper in the South Atlantic Region.

Alternative 1 (No Action). Recreational snapper grouper fishing from private recreational vessels in Federal Waters is an open access fishery with no federal requirement for a recreational permit or fish tag.

Alternative 2. Require a federal recreational permit in the South Atlantic Region (federal waters only) for recreational fishermen to fish for, harvest, or possess:

Sub-alternative 2a. red snapper.

Sub-alternative 2b. snapper grouper species associated with red snapper habitat.

Sub-alternative 2c. all species in the snapper grouper fishery management unit.

Alternative 3. Establish conditions to renew or maintain a valid permit.

Sub-alternative 3a. A permit is only valid if a completed logbook is filed for the previous time block (**Action 10**) including no fishing reports.

Sub-alternative 3b. A permit cannot be renewed until all logbook reports for the previous year have been filed.

Alternative 4. Require a harvest tag for recreational fishermen to fish for, harvest, or possess red snapper federal waters.

*Note: **Alternative 4** will require additional sub-alternatives to define the program such as tag distribution, reporting, transfers, costs, etc.*

Reporting alternatives in **Action 10** focus on the timing of reporting and percent of fisherman required to report. The options for timing of reporting are monthly, weekly, and before the fishermen depart the vessel. The percent of fishermen required to report ranges from voluntary to 100% reporting.

What are the law enforcement issues for the proposed reporting requirements for private recreational fisheries?

Action 10. Modify Reporting Requirements for Private Recreational Fishermen.

Alternative 1 (No Action). There is no reporting requirement for recreational anglers although the Council approved an action which would require owner or operator to complete fishing records if selected by the Science and Research Director (SAFMC 2008).

Alternative 2. Require private recreational anglers to complete electronic logbooks. This would require all fishermen with a recreational snapper grouper permit **to report all catch and discards electronically** when fishing for or catching species listed in the **Action 9**.

Sub-alternative 2a. 20% of private recreational anglers would be randomly selected each year to electronically report their catch.

Sub-alternative 2b. 25% of private recreational anglers would be randomly selected each year to electronically report their catch.

Sub-alternative 2c. 50% of private recreational anglers would be randomly selected each year to electronically report their catch.

Sub-alternative 2d. All private recreational anglers would be selected each year to electronically report their catch.

Sub-alternative 2e. Private recreational anglers could voluntarily report their catch.

Note: Species listed will come from the preferred list of species in Action 9.

Alternative 3. Require that private recreational fishermen with a snapper grouper permit submit fishing records for each trip to report:

Sub-alternative 3a. To the SRD **monthly**, or at intervals shorter than a **month** if notified by the SRD, via electronic reporting (via NMFS approved hardware/ software). Electronic reports would be due by seven days following the last day of the month.

Sub-alternative 3b. To the SRD **weekly**, or at intervals shorter than a **week** if notified by the SRD, via electronic reporting (via NMFS approved hardware/ software). Electronic reports would be due by Tuesday following the week that ends on Sunday.

Sub-alternative 3c. To the SRD via electronic reporting (via NMFS approved hardware/ software). **Electronic reports would be required to be completed prior to disembarking from the fishing vessel.**

Alternative 4. Require reporting to the NMFS or state agency prior to returning to shore of incidental red snapper catch. Fishermen would be required to inform of location and approximate time of returning to port.

Alternative 5. Require recreational fishermen to hail out via phone or electronic device if targeting species in the snapper grouper fishery management unit. The fishermen would be provided a number issued to the phone or electronic device.

Action 12 includes alternatives for best fishing practices. Best fishing practices alternatives include a requirement to use or possess a descending device, number of hooks per line, and modify the circle hook requirement.

The requirement to use or possess a descending device or venting tool could result in a lower discard mortality that would be applied to the total number of discards in the estimation of removals for ACL and ABC tracking for red snapper. The alternative to require use of descending device in greater than 100 feet is designed to encourage and require use of descending devices in deeper waters where barotrauma increases overall discard mortality.

The use of single hook rigs is designed to prevent the catch of more than red snapper at a time and potentially other species which have single fish bag limits.

The modification of the circle hook requirement in the South Atlantic region. Currently there is not a requirement to use non-offset circle hooks in the snapper grouper fishery. Non-offset circle hooks improve the likelihood of hooking a fish in the jaw compared to an offset circle hook. Also south of 28 degrees, there is not a requirement to use circle hooks. The circle hook regulation was not enacted south of 28 degrees to avoid impacts to the yellowtail snapper fishery. Regulations could be developed south of 28 degrees to improve survivorship of released red snapper and avoid impacts to the yellowtail snapper fishery. In discussion with the Snapper Grouper AP, the commercial release technique for the yellowtail snapper would not work with

circle hooks and therefore the circle hook requirement was not required south of 28 degrees where most of the yellowtail snapper fishery occurs. This regulation could be modified to improve the survivorship of red snapper and other snapper grouper species while limiting impacts to the yellowtail fishery.

Review and provide comments the enforceability of alternatives for best fishing requirements?

Action 12. Require Use of Best Fishing Practices When Fishing for Snapper Grouper Species With Hook-and-Line Gear to Reduce Mortality and Bycatch of Red Snapper.

Alternative 1 (No Action). Fishermen are required to use non-stainless steel circle hooks when fishing for snapper grouper species with hook and line gear north of 28 degrees. It is unlawful to possess snapper grouper species without possessing non-offset, non-stainless steel circle hooks. The regulation for the use of circle hooks applies to the use of natural baits only. Additionally fishermen are required to have dehooking devices onboard.

Alternative 2. Require descending device and/or venting be onboard a vessel possessing species in the snapper grouper fishery management unit to increase survivorship of released red snapper.

Sub-alternative 2a. Require **venting tool** to be onboard a **recreational** vessel possessing species in the snapper grouper fishery management unit to increase survivorship of released fish.

Sub-alternative 2b. Require **venting tool** to be onboard a **commercial** vessel possessing species in the snapper grouper management unit to increase survivorship of released fish.

Sub-alternative 2c. Require **descending device** to be onboard a **recreational** vessel possessing species in the snapper grouper management unit to increase survivorship of released fish.

Sub-alternative 2d. Require **descending device** to be onboard a **commercial** vessel possessing species in the snapper grouper management unit to increase survivorship of released fish.

Sub-alternative 2e. Require use of descending device when releasing red snapper in depths greater than 100 ft.

Alternative 3. Require use of single hook rigs if:

Sub-alternative 3a. fishing for or possessing red snapper.

Sub-alternative 3b. fishing for or possessing snapper grouper species.

Alternative 4. Modify requirement for the use of non-stainless steel circle hooks when fishing for snapper grouper species with hook and line gear north of 28 degrees (approximately 25 miles south of Cape Canaveral, FL). The circle hook requirement applies only to natural baits.

Sub-alternative 4a. Require the use of **non-offset, non-stainless steel hooks** when fishing for snapper grouper species with hook-and-line gear. Apply to the use of natural baits only.

Sub-alternative 4b. Require the use of **non-offset, non-stainless steel circle hooks** when fishing for snapper grouper species with hook and line gear **north of 28 degrees**. It is unlawful to possess snapper grouper species without possessing non-offset, non-stainless steel circle hooks. Apply to the use of natural baits only.

Sub-alternative 4c. Require the use of **non-offset, non-stainless steel circle hooks**

when fishing for snapper grouper species with hook and line gear in **depths greater than xx**. It is unlawful to possess snapper grouper species without possessing non-offset, non-stainless steel circle hooks. Apply to the use of natural baits only.

Sub-alternative 4d. Require the use of **non-offset, non-stainless steel circle hooks** when fishing for snapper grouper species with hook and line gear in the **South Atlantic EEZ**. It is unlawful to possess snapper grouper species without possessing non-offset, non-stainless steel circle hooks. Apply to the use of natural baits only.