

Revised Overview

Snapper Grouper Committee

Doubletree by Hilton New Bern/Riverfront
100 Middle Street
New Bern, NC
December 2014

The Committee will: (A) receive reports from SERO on the status of commercial and recreational catches versus the respective ACLs for snapper grouper species; (B) receive a status report from SERO staff on snapper grouper amendments under Secretarial review; (C) receive a report from the Snapper Grouper Advisory Panel; (D) receive a report from the Scientific and Statistical Committee; (E) receive presentations from SAFMC staff, SERO staff, and Protected Resources staff on analyses and other information in support of Regulatory Amendment 16, receive an overview of Regulatory Amendment 16, select a preferred alternative, and approve the amendment for public hearings; (F) receive an overview of public comments on Regulatory Amendment 22, review and modify the amendment as needed, and approve for formal review; (G) receive a presentation on the NCDMF catch card program and discuss further development of Amendment 22 (recreational harvest tag program); (H) receive an overview of the Amendment 36 Decision Document, receive a presentation on observations of spawning activity, and provide guidance to staff; (I) receive an overview of Amendment 35, review the amendment, and approve for public hearings; and (J) address other business as appropriate.

A. Status of landings for snapper grouper species under ACLs (*Attachments 1a & 1b*)

The Committee will receive an update on the status of landings (commercial and recreational) for snapper grouper species under ACLs.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

B. Status of Amendments Approved for Secretarial Review

The Committee will receive a status report from SERO staff on the following amendments:

- A. Regulatory Amendment 14/EA (Multiple Species)
- B. Regulatory Amendment 21 (MSST)
- C. Amendment 29 (ORCS and gray triggerfish)
- D. Amendment 32 (blueline tilefish)
- E. Regulatory Amendment 20 (snowy grouper)

C. Snapper Grouper Advisory Panel Report (*Attachment 2*)

The committee will receive a summary report of discussions and recommendations from the Advisory Panel (AP). The AP met in Charleston on October 21-22, 2014. Mr. Jim Atack, chair of the AP, will give the presentation.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

D. Scientific and Statistical Committee Report (*Attachment 3*)

Dr. Marcel Reichert, vice-chair of the Scientific and Statistical Committee (SSC), will present a summary report and recommendations. The SSC met in Charleston on October 28-30, 2014.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

E. Regulatory Amendment 16 (black sea bass pot closure; *Attachments 4a-4g*)

The Committee will receive an overview of the amendment, including analyses (prepared by Council staff) that the Council requested at their June 2014 meeting (*Attachments 4a & 4b*). Dr. Nick Farmer will give a presentation on analyses in support of Regulatory Amendment 16 (*Attachments 4c & 4d*). The analyses simulate the potential landings of black sea bass trap endorsement holders during a winter season under each of the proposed alternatives. Factoring in landings by other gears, the date the ACL would be met under each scenario is predicted. The analyses also consider the seasonal distribution of black sea bass trap gear and North Atlantic right whales to compare the relative potential risk of right whale entanglements under each of the proposed spatial closure alternatives.

In addition, a request was sent to SERO for a presentation (*Attachment 4e*) that would include any new information that has been gathered since the 2006 Biological Opinion on the Snapper Grouper Fishery was issued that would change the entanglement risk to right whales from black sea bass pot gear. The 2006 Opinion states: “Though spatial and temporal overlap may occur, the best available information indicates there are no documented entanglements or other interactions between black sea bass pot gear and right whales (Poffenberger 2004; McCarthy SEFSC database; NMFS 2004a). In 2003, the Atlantic mixed species trap/pot fishery (of which the black sea bass pot fishery is a component) was elevated from a category III to a category II fishery in that year’s List of Fisheries. This change in status was a precautionary action, based on the known impacts of similar gear types on marine mammals. The 2005 List of Fisheries (69 FR 70094, December 2, 2004) noted the only known interaction between the Atlantic mixed species trap/pot fishery and a humpback whale occurred in the Gulf of Maine, well north of the action area. Thus, there have been no documented interactions between black sea bass pots and any marine mammals in the South Atlantic. The lack of evidence suggesting interactions between black sea bass pots and marine mammals, and the proposed provisions under the amendment to the Atlantic Large Whale Take Reduction Plan, lead us to conclude that any adverse affects resulting from the continued authorization of the South Atlantic snapper-grouper fishery are extremely unlikely to occur and are discountable.”

REQUIRED COMMITTEE ACTION: Select preferred alternative, provide guidance to staff on modifications to the amendment, and approve for public hearings.

F. Regulatory Amendment 22 (gag & wreckfish; *Attachments 5a-5d*)

Council staff will present an overview of the public comments received on Regulatory Amendment 22. A webinar was held on November 6, 2014 to solicit public input. Written comments were accepted until November 14, 2014. Council staff will also present an overview of the amendment.

REQUIRED COMMITTEE ACTION: Consider public comment, modify the amendment as necessary, select preferred alternatives as appropriate, deem the codified text as necessary and appropriate, and approve for formal review.

G. Amendment 22 (recreational harvest tag program; Attachment 6a & 6b)

At the September 2014 meeting, the Committee received a presentation from SERO staff on how a possible harvest tag program could be structured given the Council's guidance to date. SERO staff indicated the NMFS could administer the lottery portion of the program. The Committee also discussed whether the proposed program would be considered a Limited Access Privilege Program (LAPP). Monica Smit-Brunello, NOAA General Counsel, offered the following: "That is not a big deal in terms of whether it is a LAPP, but the bigger issue and one that you have to overcome before you can get to the LAPP provisions is that the tag program first must establish a limited access system. Within the definition of a LAPP, it has to be a fishery that is already a limited access system; and so far that is the little bit harder part to overcome. A limited access system limits participation in the fishery based on eligibility criteria. As I've said, it is a predicate for a LAPP. So whether the tag program as currently outlined in the options paper is a limited access system will depend on how the fishery is defined, whether the amendment and whether you include eligibility criteria for the participants in the program, and whether in fact participation is limited. In other words, does the amendment prevent an increase in the number of people who can go out and catch, take, or harvest fish in the fishery? It is not clear to me so far with what you have as various options that it would be. It kind of depends where you are going to go. Under the Magnuson Act, when you set up a limited access system – and again when I read the requirements, it is kind of geared for the commercial sector; but that doesn't mean that the recreational sector couldn't fall within these factors for you to consider. The Magnuson Act at Section 303-B6 states that any fishery management plan which is prepared by the council with respect to any fishery may establish a limited access system for the fishery in order to achieve optimum yield if in developing such a system the council takes into account present participation in the fishery, historical fishing practices in and dependence on the fishery, the economics of the fishery, the capability of fishing vessels used in the fishery to engage in other fisheries, the cultural and social framework relevant to the fishery and any affected fishing communities, the fair and equitable distribution of access privileges in the fishery, and any other relevant considerations. We have to decide whether the program you are setting up is a limited access system; and if it is, then I think yes the tag program could fall under the definition LAPP, depending on how you structure it."

Since the Committee still had many unanswered questions regarding how the program could be structured, the Committee Chair made a suggestion to request a presentation from the NC Division of Marine Fisheries (NCDMF) on their Catch Card Program for Highly Migratory Species as an example of a program that the Council could eventually consider. Doug Mumford, NCDMF staff, will give that presentation to the Committee.

REQUIRED COMMITTEE ACTION: provide guidance to staff on future development of Amendment 22.

H. Amendment 36 (Spawning SMZs; Attachments 7a-7c)

Amendment 36 considers using Spawning SMZs to provide additional protection to species in the snapper grouper fishery management unit, including speckled hind and warsaw grouper. In-person scoping meetings were held in August 2014 with extremely low attendance. The Council reviewed scoping comments and provided guidance to staff at the September 2014 meeting. The Snapper Grouper Advisory Panel met on October 21-22, 2014 and provided

recommendations (*see AP Report and Decision Document*). Council staff will present an overview and Dr. Will Heyman, LGL Ecological Research Associates, Inc. will present results of his research, funded in part by the Council, on spawning activity observations. The Committee will review the actions/alternatives, select preferred alternatives if appropriate, and provide guidance to staff on areas to be analyzed as Spawning SMZs. The intent is for the detailed analyses to be conducted prior to the March 2-6, 2015 Council meeting in St. Simons Island, Georgia. This will include developing the appendix on monitoring/evaluation based on the use of Citizen Science. Ben Hartig, Council Chair, will be attending a conference on Citizen Science to be held February 11-12, 2015 in San Diego, CA. The Council will review a draft Amendment 36 at the March 2015 meeting and is scheduled to approve the amendment for public hearings. Council staff proposes conducting a series of webinar public hearings in addition to the in-person public hearing to be held during the June 2015 Council meeting. The public is becoming more familiar with the webinar process and staff have explored establishing several “listening stations” where members of the public can go and participate in the webinar with local Council members present. This type of hearing process has worked well for the ASMFC. Given budget and time considerations, the staff propose to use Amendment 36 as a test case for full implementation of the webinar hearing process. The current timing has the Council giving final approval to Amendment 36 at the June 8-12, 2015 meeting in Key West, Florida or the September 14-18, 2015 meeting in Hilton Head Island, South Carolina.

REQUIRED COMMITTEE ACTION: review actions/alternatives, modify as needed, select preferred alternatives if appropriate, and provide guidance to staff on areas to be analyzed.

I. Amendment 35 (removal of species and golden tilefish endorsements; Attachments 8a & 8b)

Amendment 35 contains two actions: (1) remove 4 species (black snapper, dog snapper, mahogany snapper, and schoolmaster) from the Snapper Grouper Fishery Management Unit; and (2) clarify regulations for the golden tilefish longline endorsement to reflect the Council’s intent regarding which gear-specific quota endorsement holders may fish under. The Council added the second action to the amendment at their September 2014 meeting. Council staff will present an overview of the amendment and analyses to date.

REQUIRED COMMITTEE ACTION: Modify the amendment as needed, select preferred alternatives as appropriate, and approve for public hearings.

J. Other Business

The Committee will address other items as appropriate.