

# Comprehensive Acceptable Biological Catch Control Rule Amendment

Amendment 11 to the Fishery Management Plan for the  
Dolphin Wahoo Fishery of the Atlantic

Amendment 11 to the Fishery Management Plan for the  
Golden Crab Fishery of the South Atlantic Region

Amendment 45 to the Fishery Management Plan for the  
Snapper Grouper Fishery of the South Atlantic Region

## Revisions to the Acceptable Biological Catch Control Rules and Specifications for Carry-Overs and Phase-Ins



## Environmental Assessment, Regulatory Flexibility Act Analysis, and Regulatory Impact Review

**June 2023**

South Atlantic Fishery Management Council  
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Atlantic Region

Amendment 45 to the Fishery Management Plan for the Snapper Grouper Fishery of the South  
Atlantic Region

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**Proposed action(s):** Modify the acceptable biological catch control rules, allow phase-in of acceptable biological catch changes, allow carry-over of unharvested portion of the annual catch limit, modify framework procedures to implement carry-overs when allowed.

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This environmental assessment (EA) is being prepared using the 2020 CEQ NEPA Regulations as modified by the Phase I 2022 revisions. The effective date of the 2022 revisions was May 20, 2022, and reviews begun after this date are required to apply the 2020 regulations as modified by the Phase I revisions unless there is a clear and fundamental conflict with an applicable statute. This EA began on June 8, 2023, and accordingly proceeds under the 2020 regulations as modified by the Phase I revisions.

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## Glossary

**Acceptable Biological Catch (ABC):** Maximum amount of fish stock than can be harvested without adversely affecting recruitment of other components of the stock. The ABC level is typically higher than the total allowable catch, leaving a buffer between the two.

**Accountability measure (AM):** AMs are fishery management rules that prevent annual catch limits from being exceeded (i.e. prevent overfishing) and make corrections when fishing goes over the annual catch limit.

**Annual Catch Limit (ACL):** The amount of a particular fish species, stock or stock complex that can be caught in a given year.

**Biomass:** Amount or mass of some organism, such as fish.

**B<sub>MSY</sub>:** Biomass of population achieved in long-term by fishing at  $F_{MSY}$ .

**Bycatch:** Fish harvested in a fishery, but not sold or kept for personal use. Bycatch includes economic discards and regulatory discards, but not fish released alive under a recreational catch and release fishery management program.

**Exclusive Economic Zone (EEZ):** Zone extending from the shoreline out to 200 nautical miles in which the country owning the shoreline has the exclusive right to conduct certain activities such as fishing. In the United States, the EEZ is split into state waters (typically from the shoreline out to 3 nautical miles) and federal waters (typically from 3 to 200 nautical miles).

**Fishery Management Plan (FMP):** Management plan for fisheries operating in federal waters. Produced by regional fishery management councils and submitted to the Secretary of Commerce for approval.

**Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act):** Federal legislation responsible for establishing the fishery management councils and the mandatory and discretionary guidelines for federal fishery management plans.

**Maximum Fishing Mortality Threshold (MFMT):** The rate of fishing mortality above which a stock's capacity to produce MSY would be jeopardized.

**Maximum Sustainable Yield (MSY):** The largest long-term average catch that can be taken continuously (sustained) from a stock or stock complex under average environmental conditions.

**Minimum Stock Size Threshold (MSST):** The biomass level below which a stock would be considered overfished.

**National Marine Fisheries Service (NMFS):** Federal agency within NOAA responsible for overseeing fisheries science and regulation.

**National Oceanic and Atmospheric Administration (NOAA):** Agency within the Department of Commerce responsible for ocean and coastal management.

**Optimum Yield (OY):** The amount of catch that will provide the greatest overall benefit to the nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems.

**Overfished:** A stock or stock complex is considered overfished when stock biomass falls below the minimum stock size threshold (MSST) (e.g., current biomass < MSST = overfished).

**Overfishing:** Overfishing occurs when a stock or stock complex is subjected to a rate of fishing mortality that exceeds the maximum fishing mortality threshold (e.g., current fishing mortality rate > MFMT = overfishing).

**Overfishing Limit (OFL):** An estimate of the catch level above which overfishing is occurring.

**Scientific and Statistical Committee (SSC):** Fishery management advisory body composed of federal, state, and academic scientists, which provides scientific advice to a fishery management council.

**South Atlantic Fishery Management Council (SAFMC):** One of eight regional councils mandated in the Magnuson-Stevens Fishery Conservation and Management Act to develop management plans for fisheries in federal waters. The SAFMC develops fishery management plans for fisheries off North Carolina, South Carolina, Georgia, and the east coast of Florida

## Summary

### Why is the South Atlantic Fishery Management Council considering action?

The South Atlantic Fishery Management Council (Council) uses acceptable biological catch levels to manage fisheries in US South Atlantic federal waters. Per the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), acceptable biological catches are set using the best scientific information available and the Council's risk tolerance policy through the acceptable biological catch control rule. The Council and its Scientific and Statistical Committee have identified areas that could be clarified or improved and are considered for revision in this amendment. Additionally, recent guidance from the National Marine Fisheries Service has clarified how regional management councils can increase management flexibility by incorporating acceptable biological catch phase-ins and carry-overs into fishery management plans. This amendment considers establishment of criteria and implementation methods for phase-ins and carry-overs in three of the South Atlantic fishery management plans.

#### Purpose for Action

The purpose of this amendment is to revise the acceptable biological catch control rules by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks. Additionally, this amendment will specify conditions and procedures for using carry-overs and phase-ins in setting catch limits, including modification of framework procedures to accommodate implementation of carry-overs when applicable.

#### Need for Action

The *need* for this amendment is to ensure catch level recommendations are based on the best scientific information available, prevent overfishing while achieving optimum yield, and include flexibility in setting catch limits as allowed by the Magnuson-Stevens Fishery Conservation and Management Act, and particularly in accordance with 2020 National Marine Fisheries Service guidance on carry-over and phase-in provisions (Holland et al. 2020).

### What Actions are Being Proposed in This Amendment?

The Comprehensive Acceptable Biological Catch Control Rule Amendment proposes the following changes to the Fishery Management Plans for the Snapper Grouper Fishery of the South Atlantic Region, Dolphin and Wahoo Fishery of the Atlantic, and the Golden Crab Fishery of the South Atlantic Region:

#### **Action 1. Modify the acceptable biological catch control rule**

**Purpose of Action:** Changes to the acceptable biological catch control rule are being considered to clarify responsibilities of the Council and Scientific and Statistical Committee in developing risk and uncertainty components, revise methods for evaluating risk and uncertainty to develop acceptable biological catches (including the process used for unassessed stock acceptable

biological catches), and clarify the use of rebuilding plans to develop acceptable biological catches for overfished stocks.

**Preferred Alternative 2.** Specify an acceptable biological catch control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans that categorizes stocks based on the available information and scientific uncertainty evaluation and incorporates the Council's risk tolerance policy through an accepted probability of overfishing ( $P^*$ ). The Council will specify the  $P^*$  based on relative stock biomass and a stock risk rating.

When possible, the Scientific and Statistical Committee will determine the overfishing limit and characterize its uncertainty based on, primarily, the stock assessment or, secondarily, the Scientific and Statistical Committee's expert opinion. The overfishing limit and its uncertainty would then be used to derive and recommend the acceptable biological catch, based on the risk tolerance specified by the Council.

Acceptable biological catch for unassessed stocks will be recommended by the Scientific and Statistical Committee based on applicable data-limited methods. Unassessed stocks will be assigned the moderate biomass level unless there is a recommendation from the Scientific and Statistical Committee that justifies a different level.

For overfished stocks, the Council will specify a stock rebuilding plan, considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans ( $1-P^*$ ) must be at least 50%.

Control rule categories for assessments are described in [Table 2.1.1.2](#). Default  $P^*$  values based on relative biomass and stock risk rating are shown in [Table 2.1.1.3](#).

**Preferred Sub-Alternative 2b.** Allow the Council to deviate, up or down, from the default accepted probability of overfishing by up to 10% for an individual stock, based on its expert judgment, new information, or recommendations by the Scientific and Statistical Committee or other expert advisors. Accepted probability of overfishing may not exceed 50%.

**Preferred Sub-Alternative 2c.** When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

## **Action 2. Allow phase-in of acceptable biological catch changes**

**Purpose of Action:** In accordance with National Standard 1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions (Holland et al. 2020), eligibility criteria and allowable implementation methods for phasing in changes to acceptable biological catch are being considered to increase management flexibility and reduce negative economic and social effects from large, immediate changes to the acceptable biological catch.

### **Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.**

**Preferred Alternative 2.** Allow phase-in of increases to acceptable biological catch, as specified by the Council. Allow phase-in of decreases when a new acceptable biological catch is less than:

**Preferred Sub-Alternative 2c.** 80% of the existing acceptable biological catch.

**Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.**

**Preferred Alternative 2.** Phase-in acceptable biological catch decreases over no more than 3 years, as specified in [Table 2.2.1.1](#). Acceptable biological catch increases may be phased-in as specified by the Council with advice from the Scientific and Statistical Committee and Advisory Panel.

**Action 3. Allow carry-over of unharvested portion of the annual catch limit**

**Purpose of Action:** In accordance with National Standard 1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions (Holland et al. 2020), eligibility criteria and allowable amounts of unharvested annual catch limit that can be carried over from one year to the next are being considered to increase management flexibility and provide greater opportunity to achieve optimum yield while preventing overfishing.

**Sub-Action 3.1. Establish criteria specifying circumstances when an unharvested portion of the originally specified sector annual catch limit can be carried over from one year to increase the available harvest in the immediate next year. Carry-overs may not be delayed, and only amounts from the originally specified sector annual catch limit may be carried over. Multiple sub-alternatives may be selected under Alternative 2.**

**Preferred Alternative 2.** Allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, an overfishing limit for the stock is defined, and

**Preferred Sub-Alternative 2d.** Acceptable biological catch decreases are not being phased-in, and

**Preferred Sub-Alternative 2e.** There are measures that restrict annual landings to the annual catch limit and post-season accountability measures that reduce the annual catch limit in the following year according to any landings overages in place for that stock and sector.

**Sub-Action 3.2. Specify limits on how much of the unharvested portion of a sector annual catch limit may be carried over from one year to increase the sector annual catch limit in the next year.**

**Preferred Alternative 2.** Allow carry-over of the unharvested portion of a sector's annual catch limit. The acceptable biological catch and the total annual catch limit may be temporarily increased to allow this carry-over. The temporary acceptable biological catch may not exceed the overfishing limit. The revised total annual catch limit may not exceed the temporary acceptable biological catch or the total annual catch limit plus the carried over amount, whichever is less.

If both sectors are eligible, both the commercial and recreational sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit, the temporary acceptable biological catch will be set equal to the overfishing limit and the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

#### **Action 4. Modify framework procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans**

**Purpose of Action:** Revisions to framework procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans are being considered to include a mechanism for implementing carry-overs for eligible stocks.

##### **Sub-Action 4.1. Modify Section I of the Snapper Grouper Framework Procedure to include a framework process to approve carry-overs.**

**Preferred Alternative 2.** Modify the Snapper Grouper Fishery Management Plan Framework Procedure by adding the following language to Section I:

Single season adjustments to acceptable biological catches and annual catch limits that would allow carry-over of unused amounts of a sector annual catch limit, according to the existing acceptable biological catch control rule(s) and annual catch limits that have been approved by the Council and implemented pursuant to the fishery management plan, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an acceptable biological catch and annual catch limit for a stock, or through specific action on an existing acceptable biological catch and annual catch limit, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock annual catch limit or sector annual catch limit to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the acceptable biological catch control rule. The Council will also determine the duration of time when the specified acceptable biological catch and annual catch limit are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing acceptable biological catch control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the acceptable biological catch that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.



- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the acceptable biological catch and annual landings meeting criteria specified in the acceptable biological catch control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective acceptable biological catch control rule, this abbreviated process would not apply.

**Sub-Action 4.2. Modify the Dolphin Wahoo Fishery Management Plan Framework Procedure to include a framework process to approve carry-overs.**

**Preferred Alternative 2.** Modify the Dolphin Wahoo Fishery Management Plan Framework Procedure by adding the following language:

Single season adjustments to acceptable biological catches and annual catch limits that would allow carry-over of unused amounts of a sector annual catch limit, according to the existing acceptable biological catch control rule(s) and annual catch limits that have been approved by the Council and implemented pursuant to the fishery management plan, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an acceptable biological catch and annual catch limit for a stock, or through specific action on an existing acceptable biological catch and annual catch limit, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock annual catch limit or sector annual catch limit to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the acceptable biological catch control rule. The Council will also determine the duration of time when the specified acceptable biological catch and annual catch limit are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing acceptable biological catch control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the acceptable biological catch that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the acceptable biological catch and annual landings meeting criteria specified in the acceptable biological catch control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.

- d. If the Council chooses to deviate from the criteria and guidance of the effective acceptable biological catch control rule, this abbreviated process would not apply.

**Sub-Action 4.3. Modify the Golden Crab Fishery Management Plan Framework Procedure to include a framework process to approve carry-overs.**

**Preferred Alternative 2.** Modify the Golden Crab Fishery Management Plan Framework Procedure by adding the following language:

Single season adjustments to acceptable biological catches and annual catch limits that would allow carry-over of unused amounts of a sector annual catch limit, according to the existing acceptable biological catch control rule(s) and annual catch limits that have been approved by the Council and implemented pursuant to the fishery management plan, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an acceptable biological catch and annual catch limit for a stock, or through specific action on an existing acceptable biological catch and annual catch limit, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock annual catch limit or sector annual catch limit to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the acceptable biological catch control rule. The Council will also determine the duration of time when the specified acceptable biological catch and annual catch limit are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing acceptable biological catch control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the acceptable biological catch that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the acceptable biological catch and annual landings meeting criteria specified in the acceptable biological catch control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.

If the Council chooses to deviate from the criteria and guidance of the effective acceptable biological catch control rule, this abbreviated process would not apply.

# Chapter 1. Introduction

## 1.1. What Actions are Being Proposed?

The proposed actions in this plan amendment would modify the acceptable biological catch (ABC) control rules and framework procedures for the Fishery Management Plans (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP), and Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP). The ABC control rules would be revised to better distinguish roles of the South Atlantic Fishery Management Council (Council) and its Scientific and Statistical Committee (SSC) in determining risk and uncertainty components, include provisions for phasing in ABC changes, and include provisions for carrying over unharvest portions of annual catch limits (ACL). Framework procedures would be revised to include a procedure for implementing carry-overs when allowance of carry-over is specified in the FMP and the sector meets annual eligibility requirements.

### ***South Atlantic Fishery Management Council***

- Responsible for conservation and management of fish stocks in the South Atlantic Region.
- Consists of 13 voting members and 4 non-voting members; voting members include 1 representative from each of the 4 South Atlantic state fishery management agencies, 8 members appointed by the Secretary of Commerce, and the Southeast Regional Administrator of NMFS.
- Responsible for developing fishery management plans and amendments under the Magnuson-Stevens Act; recommends actions to NMFS for implementation.
- Management area is from 3 to 200 nautical miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida through Key West, except for mackerel which is from New York to Florida, and dolphin and wahoo, which is from Maine to Florida.

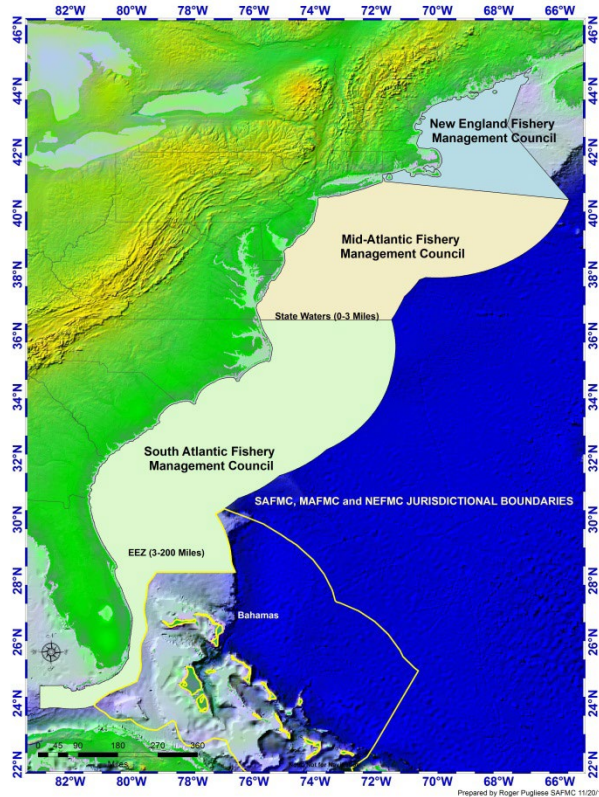
## 1.2. Who is Proposing the Actions?

The Council is responsible for managing fish stocks in the South Atlantic Region for the Snapper Grouper and Golden Crab FMPs, and in the Atlantic for the Dolphin Wahoo FMP. The Council develops the amendment and sends it to the National Marine Fisheries Service (NMFS), who publishes a rule to implement the amendment on behalf of the Secretary of Commerce. NMFS is an agency of the National Oceanic and Atmospheric Administration within the Department of Commerce. Guided by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council works with NMFS, other partners, and stakeholders to assess the status of fish stocks, specify ACLs, reduce bycatch, and enforce fisheries regulations.

The Council and NMFS are also responsible for making this amendment available for public comment. The draft environmental assessment (EA) was combined with the amendment and was made available to the public during the scoping process, public hearings, and in Council meeting briefing books. The final EA and amendment will be made available for public comment during the proposed rule stage of the rulemaking process. The final EA and amendment will be found on the Council's website at <http://www.safmc.net>.

### 1.3. Where is the Project Located?

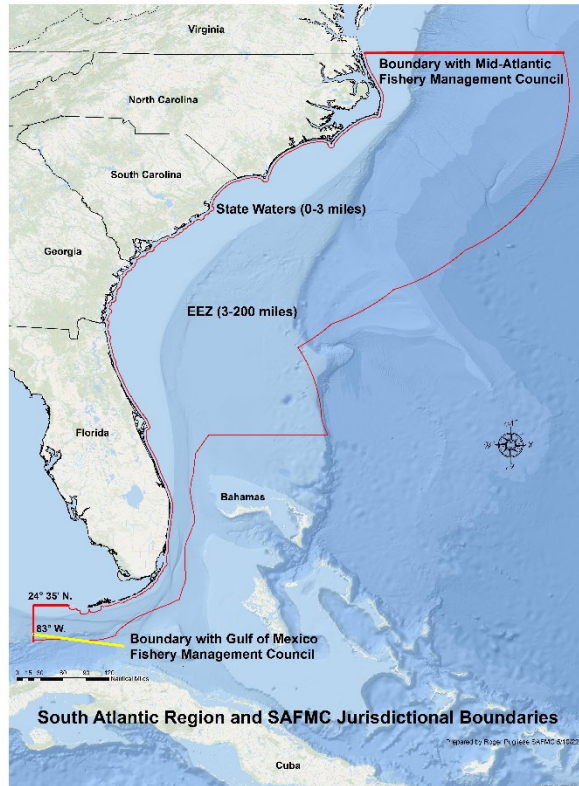
Management of the federal dolphin and wahoo fishery, located off the eastern United States (Atlantic) from Florida to Maine in the 3-200 nautical miles U.S. exclusive economic zone (EEZ), is conducted under the Dolphin Wahoo FMP (SAFMC 2003) (Figure 1.3.1).



**Figure 1.3.1.** Jurisdictional boundaries of the Dolphin Wahoo FMP for the Atlantic as managed by the Council.

Management of the federal golden crab fishery located off the southeastern United States (South Atlantic) in the 3-200 nautical miles U.S. EEZ is conducted under the Golden Crab FMP (SAFMC 1995) (Figure 1.3.2).

Management of the federal snapper grouper fishery located off the South Atlantic in the 3-200 nautical miles U.S. EEZ is conducted under the Snapper Grouper FMP (SAFMC 1983) (Figure 1.3.2). There are fifty-five species managed by the Council under the Snapper Grouper FMP.



**Figure 1.3.2.** Jurisdictional boundaries of the Snapper Grouper and Golden Crab FMPs as managed by the Council.

## 1.4. Why are the Council and NMFS Considering Action? (Purpose and Need)

**Purpose:** The *purpose* of this amendment is to revise the acceptable biological catch control rules by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks. Additionally, this amendment will specify conditions and procedures for using carry-overs and phase-ins in setting catch limits, including modification of framework procedures to accommodate implementation of carry-overs when applicable.

**Need:** The *need* for this amendment is to ensure catch level recommendations are based on the best scientific information available, prevent overfishing while achieving optimum yield, and include flexibility in setting catch limits as allowed by the Magnuson-Stevens Fishery Conservation and Management Act, and particularly in accordance with 2020 National Marine Fisheries Service guidance on carry-over and phase-in provisions (Holland et al. 2020).

### **Background**

The current ABC control rules were specified in the Comprehensive ACL Amendment for the South Atlantic Region (Comprehensive ACL Amendment, SAFMC 2011) and Amendment 29 to the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper Amendment 29,

SAFMC 2014) (which added the Only Reliable Catch Stocks [ORCS] method to the control rule for the Snapper Grouper FMP). When applying the ABC control rules to different stocks and assessments from 2012-2016, the SSC began to express concerns that the rules lacked adequate resolution to distinguish differences in uncertainty levels across assessments, did not address continued developments in data poor assessment methods, and mixed uncertainty evaluation (an SSC role under the Magnuson-Stevens Act) and risk tolerance determination (a Council role under the Magnuson-Stevens Act). Additionally, the existing control rules do not provide a means to make use of 2020 guidance for National Standard 1 (NS1) that increased the flexibility available to regional fishery management councils for managing catch limits by allowing phasing in of ABC changes and carry-over of unharvested portions of the ACL (Holland et al. 2020).

The Council is proposing action to address the SSC's concerns about the ABC control rules and to specify whether and how carry-overs and phase-ins can be used for stocks managed under the Snapper Grouper, Dolphin Wahoo, and Golden Crab FMPs.

## **1.5. Are These Actions Within the Bounds of the Scientific Recommendations?**

Actions in this amendment have been developed with consideration of input from the SSC. The SSC's input on each of the actions is further detailed in Chapter 5. This input includes feedback from an SSC work group (Category 4 Stocks Workgroup) that investigated current data-limited methods and developed a recommended approach for specifying ABCs for unassessed stocks. Phase-in and carry-over actions were developed in accordance with guidance from NMFS (Holland et al. 2020) and reviewed by the SSC.

## **1.6. How Were the Alternatives Determined?**

Alternatives for ABC control rule revisions (Action 1) were developed based on SSC input with varying levels of overlap with the current ABC control rule. Clarifications of the SSC's and Council's roles within these alternatives were developed based on the Magnuson-Stevens Act (50 C.F.R. § 600.310), particularly NS1 and associated guidance (Holland et al. 2020). Revisions to ABC-setting processes for unassessed stocks were developed based on the process recommended by the SSC's Category 4 Stocks Workgroup.

Alternatives for establishing phase-in (Action 2) and carry-over (Actions 3 and 4) provisions were developed based on the NS1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions (Holland et al. 2020).

## **1.7. What is the History of the ABC Control Rules for the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs?**

The Council's SSC developed an ABC control rule in 2008, using uncertainty and risk traits to determine the acceptable risk of overfishing. The ABC control rule is the method by which ABCs are set, ideally based on an overfishing limit (OFL) from a stock assessment but sometimes using more data-limited methodology. The acceptable risk of overfishing is denoted as P-Star (P\*) and is applied through assessment projections to develop the SSC's ABC

recommendation. During consideration by the Council and development of the Comprehensive ACL Amendment (2011), the SSC added additional levels to the ABC control rule to better address unassessed and data-limited stocks.

The ABC control rule was implemented by the Council through the Comprehensive ACL Amendment that became effective in April 2012 (SAFMC 2011). The Comprehensive ACL Amendment (2011) amended FMPs for Snapper Grouper, Dolphin and Wahoo, Golden Crab, and *Sargassum*. A revision to the ABC control rule for species managed under the Snapper Grouper FMP occurred in July 2015 when the ORCS approach was added to the control rule for snapper grouper stocks, through Snapper Grouper Amendment 29 (SAFMC 2014).

## Chapter 2. Proposed Actions

### 2.1. Action 1. Modify the Acceptable Biological Catch Control Rule

#### 2.1.1. Alternatives

**NOTE:** Each alternative includes a general description of the proposed acceptable biological catch (ABC) control rule (with reference to a descriptive table[s]), associated risk tolerance policy, and application of the control rule to overfished stocks. Sub-alternatives may be added to alternatives and are not mutually exclusive. Current ABC values would not change for any species through this action and its alternatives within this amendment. Rather, the new control rule would be prospectively applied through future management actions related to setting catch limits.

**Alternative 1 (No Action).** For assessed species, the acceptable biological catch control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans classifies assessments according to tiers. Tier classifications are used to determine the accepted probability of overfishing (P\*) by reducing from an initial value of 50% according to uncertainty of assessment results and stock vulnerability. Acceptable biological catch is determined through projections of assessment information using the accepted probability of overfishing.

For unassessed species, acceptable biological catch is determined by applying one of the following data-limited methods, as data allow (listed from highest to lowest priority): Depletion-Based Stock Reduction Analysis, Depletion-Corrected Average Catch, Only Reliable Catch Stocks (only included in the Snapper Grouper Fishery Management Plan), and a decision tree based on species catch history.

Determination of acceptable biological catch for overfished stocks undergoing rebuilding is not specified.

Control rule tiers and classifications are described in Table 2.1.1.1.



**Preferred Alternative 2.** Specify an acceptable biological catch control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans that categorizes stocks based on the available information and scientific uncertainty evaluation and incorporates the Council's risk tolerance policy through an accepted probability of overfishing ( $P^*$ ). The Council will specify the  $P^*$  based on relative stock biomass and a stock risk rating.

When possible, the Scientific and Statistical Committee will determine the overfishing limit and characterize its uncertainty based on, primarily, the stock assessment or, secondarily, the Scientific and Statistical Committee's expert opinion. The overfishing limit and its uncertainty would then be used to derive and recommend the acceptable biological catch, based on the risk tolerance specified by the Council.

Acceptable biological catch for unassessed stocks will be recommended by the Scientific and Statistical Committee based on applicable data-limited methods. Unassessed stocks will be assigned the moderate biomass level unless there is a recommendation from the Scientific and Statistical Committee that justifies a different level.

For overfished stocks, the Council will specify a stock rebuilding plan, considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans ( $1-P^*$ ) must be at least 50%.

Control rule categories for assessments are described in Table 2.1.1.2. Default  $P^*$  values based on relative biomass and stock risk rating are shown in Table 2.1.1.3.

**Sub-Alternative 2a.** For relative biomass used to determine the default accepted probability of overfishing, set the boundary between the high biomass and moderate biomass levels at 110%  $B_{MSY}$ , and set the boundary between moderate biomass and low biomass levels at the midpoint between 110%  $B_{MSY}$  and the minimum stock size threshold.

**Preferred Sub-Alternative 2b.** Allow the Council to deviate, up or down, from the default accepted probability of overfishing by up to 10% for an individual stock, based on its expert judgment, new information, or recommendations by the Scientific and Statistical Committee or other expert advisors. Accepted probability of overfishing may not exceed 50%.

**Preferred Sub-Alternative 2c.** When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

**Alternative 3.** Specify an acceptable biological catch control rule for the fishery management plans for Dolphin Wahoo, Golden Crab, and Snapper Grouper that classifies assessments based on the type of information provided and how uncertainty of information is characterized. The Council will set an initial accepted probability of overfishing ( $P^*$ ) between 30% and 50%, considering advice from the Scientific and Statistical Committee and fishery management plan's advisory panel. The Scientific and Statistical Committee will adjust this value as defined based on assessment information and uncertainty characterization. The adjusted  $P^*$  will then be applied to derive acceptable biological catch.

Acceptable biological catch for unassessed stocks will be recommended by the Scientific and Statistical Committee based on applicable data-limited methods.

For overfished stocks, the Council will specify a stock rebuilding plan, considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans ( $1-P^*$ ) must be at least 50%.

**Sub-Alternative 3a.** When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

### **Discussion**

Stock assessments often include projections of future removals, which are used to derive the overfishing limit (OFL) and ABC. These projections are run many times, such that the results of each projection include robust estimates of variables like landings or population size, as well as measures of uncertainty. To derive the OFL, projections are run with a 50% probability of overfishing occurring (i.e.,  $P^*=50\%$ ). To derive the ABC, projections are run with  $P^*$  set at 50% or less (based on adjustments to the  $P^*$  from the ABC control rule). To derive ABC for a rebuilding plan, the probability of rebuilding ( $1-P^*$ ) must be 50% or greater. For additional detail on the process of deriving ABC from OFL, see Appendix G.

All Action 1 alternatives would maintain these methods for deriving ABC using  $P^*$  and OFL. Alternatives consider different approaches and responsibilities for characterizing scientific (assessment or OFL) uncertainty in various scenarios and deriving  $P^*$  (accepted management risk). Additionally, each of the Action 1 alternatives would include the following guidance concerning reconsideration of ABC recommendations and the Scientific and Statistical Committee's (SSC) deviation from the control rule.

### **Reconsideration of ABC Recommendations**

Situations may arise for which the South Atlantic Fishery Management Council (Council) decides it is necessary and appropriate to remand an ABC recommendation to the SSC for reconsideration or clarification, due to new information or changing circumstances. In such instances, the Council will provide a written statement to the SSC requesting clarification or reconsideration of the ABC recommendation that includes the Council's justification for the remand, guidance on timing of the SSC's consideration of the request, and any documentation

that led the Council to request the remand. Circumstances which could lead to the Council remanding an ABC recommendation include, but are not limited to:

- New information becomes available after the SSC makes a recommendation (e.g., through an Advisory Panel (AP), Fishery Performance Reports (FPR), new analysis/research, management change, updated or revised catch info).
- A mistake is found in the analysis or inputs that were used to support the ABC.
- The Council changes its risk determination.
- The SSC did not address the Council's request or Terms of Reference related to the ABC recommendation and supporting information.
- The SSC did not have a majority present when making the recommendation.
- The SSC's justification for the ABC is not clearly stated (particularly when based on expert judgement, modified uncertainty levels (e.g., Categories 2-4 under **Alternative 2**), or ABC control rule deviations).

### **SSC Deviation from the ABC Control Rule**

As noted in National Standard 1 (NS1) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the SSC may provide an ABC that deviates from strict application of the approved ABC control rule if necessary to address scientific uncertainty, recruitment variability, declining population trends, or available information. If the SSC deviates from the ABC control rule, it must provide a written explanation describing why the deviation was necessary, how the alternative ABC recommendation is derived, and how the alternative ABC prevents overfishing, addresses scientific uncertainty and the Council's specified risk tolerance level for the stock.

As part of the SSC's guidance on deviating from the ABC control rule, an example of a recurring situation when this would be used is in developing ABC for an inter-regionally assessed stock (e.g., yellowtail snapper, which is a single stock managed by the Gulf of Mexico Fishery Management Council and the Council). For such stocks, the SSCs of each managing council will cooperatively decide which control rule would be applied to develop the ABC. The ABC recommendation to the Council would be the result of the cooperatively agreed upon control rule, including regional allocations as applicable.

### **Alternative 1 (No Action)**

**Alternative 1 (No Action)** maintains the current control rules set in place for the Fishery Management Plans (FMP) for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP), and Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP) through the Comprehensive Annual Catch Limit (ACL) Amendment for the South Atlantic Region (Comprehensive ACL Amendment, SAFMC 2011) and Amendment 29 to the FMP for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) (Snapper Grouper Amendment 29, SAFMC 2014). These control rules are described below:

#### Level 1 – Assessed Stocks

Accepted probability of overfishing (P\*) initially set at 50%. Adjustments shown in Table 2.1.1.1 are subtracted from this initial value.

**Table 2.1.1.1.** Level 1 (assessed stocks) of the ABC control rule specified by the Comprehensive ACL Amendment for the FMPs for Snapper Grouper, Dolphin and Wahoo, and Golden Crab. Parenthetical values indicate (1) the maximum adjustment value for a dimension; and (2) the adjustment values for each tier within a dimension.

Tier	Tier Classification and Methodology to Compute ABC
<b>1. Assessment Information (10%)</b>	<ol style="list-style-type: none"> <li>1. Quantitative assessment provides estimates of exploitation and biomass; includes maximum sustainable yield (MSY)-derived benchmarks. (0%)</li> <li>2. Reliable measures of exploitation or biomass, no MSY benchmarks, proxy reference points. (2.5%)</li> <li>3. Relative measures of exploitation or biomass, absolute measures of status unavailable. Proxy reference points. (5%)</li> <li>4. Reliable catch history. (7.5%)</li> <li>5. Scarce or unreliable catch records. (10%)</li> </ol>
<b>2. Uncertainty Characterization (10%)</b>	<ol style="list-style-type: none"> <li>1. Complete. Key determinant – uncertainty in both assessment inputs and environmental conditions are included. (0%)</li> <li>2. High. Key determinant – reflects more than just uncertainty in future recruitment. (2.5%)</li> <li>3. Medium. Uncertainties are addressed via statistical techniques and sensitivities, but full uncertainty is not carried forward in projections. (5%)</li> <li>4. Low. Distributions of <math>FR_{MSYR}</math> and MSY are lacking. (7.5%)</li> <li>5. None. Only single point estimates; no sensitivities or uncertainty evaluations. (10%)</li> </ol>
<b>3. Stock Status (10%)</b>	<ol style="list-style-type: none"> <li>1. Neither overfished nor overfishing. Stock is at high biomass and low exploitation relative to benchmark values. (0%)</li> <li>2. Neither overfished nor overfishing. Stock may be in close proximity to benchmark values. (2.5%)</li> <li>3. Stock is either overfished or overfishing. (5%)</li> <li>4. Stock is both overfished and overfishing. (7.5%)</li> <li>5. Either status criterion is unknown. (10%)</li> </ol>
<b>4. Productivity and Susceptibility Analysis (10%)</b>	<ol style="list-style-type: none"> <li>1. Low risk. High productivity, low vulnerability, low susceptibility. (0%)</li> <li>2. Medium risk. Moderate productivity, moderate vulnerability, moderate susceptibility. (5%)</li> <li>3. High risk. Low productivity, high vulnerability, high susceptibility. (10%)</li> </ol>

Level 2 – Unassessed Stocks; reliable landings and life history information available

OFL derived from “Depletion-Based Stock Reduction Analysis” (DBSRA). ABC derived from applying the assessed stocks rule to determine the adjustment factor if possible, or from expert judgment if not possible.

Level 3 – Unassessed Stocks; inadequate data to support DBSRA

ABC derived directly from “Depletion-Corrected Average Catch” (DCAC). Done when only a limited number of years of catch data for a fishery are available. Requires a higher level of “informed expert judgment” than Level 2.

Level 4 (Snapper Grouper FMP Only) – Unassessed Stocks. Only Reliable Catch Stocks (ORCS)

OFL and ABC derived on a case-by-case basis. Apply ORCS approach using a catch statistic, a scalar derived from the risk of overexploitation, and the Council’s risk tolerance level.

Level 4 (Dolphin Wahoo and Golden Crab FMPs)/Level 5 (Snapper Grouper FMP) – Unassessed Stocks

OFL and ABC derived on a case-by-case basis. Stocks with very low landings that show very high variability in catch estimates (mostly caused by the high degree of uncertainty in recreational landings estimates), or stocks that have species identification issues that may cause unreliable landings estimates. Use “decision tree”:

1. Will catch affect stock?  
NO: Ecosystem Species (Council did this already, ACL Amend).  
YES: Go to 2.
2. Will increase (beyond current range of variability) in catch lead to decline or stock concerns?  
NO: ABC = 3rd highest point in the 1999-2008 time series.  
YES: Go to 3.
3. Is stock part of directed fishery or is it primarily bycatch for other species?  
Directed: ABC = Median 1999-2008.  
Bycatch/Incidental: If yes, go to 4.
4. Bycatch. Must judge the circumstance: If bycatch in other fishery: what are trends in that fishery? What are the regulations? What is the effort outlook?

If the directed fishery is increasing and bycatch of stock of concern is also increasing, the Council may need to find a means to reduce interactions or mortality. If that is not feasible, will need to impact the directed fishery. The SSC’s intention is to evaluate the situation and provide guidance to the Council on possible catch levels, risk, and actions to consider for bycatch and directed components.

**Preferred Alternative 2**

Under **Preferred Alternative 2**, the ABC will be derived by applying P\* to a stock projection analysis for assessed stocks or an OFL estimated using alternative methods for unassessed stocks, when possible (Table 2.1.1.2). If an OFL cannot be estimated, the SSC will derive the ABC directly.

**Table 2.1.1.2.** ABC control rule proposed in Action 1-Preferred Alternative 2.

Category	Criteria	ABC Determination
Category 1	Stock is assessed; scientific uncertainty is adequately incorporated.	The P* is applied to the assessment information to derive ABC.
Category 2	Stock is assessed; scientific uncertainty is not adequately evaluated or some assessment outputs may be lacking.	The SSC will adjust the measures of uncertainty, P* will then be applied to the assessment information.
Category 3	The stock is assessed; scientific uncertainty is not adequately evaluated and cannot be addressed by adjusting the available uncertainty measures.	The SSC will develop uncertainty measures as necessary to apply the P* to the available assessment information. Alternatively, the SSC may apply a direct buffer to the overfishing limit (or an overfishing limit proxy) to derive the ABC.
Category 4	No formal stock assessment accepted to provide OFL and ABC recommendations (reviewed through Southeast Data, Assessment, and Review [SEDAR] or SSC).	OFL and ABC will be developed according to the strategy proposed by the SSC's Data-Limited Working Group ( <a href="#">Appendix I</a> ). The SSC will attempt to estimate OFL and its uncertainty using available data, applicable methods, and expert judgement. If an OFL and its uncertainty are defined, the SSC will apply P* to derive ABC. If an OFL is unable to be defined, the SSC will directly recommend an ABC. The process of updating OFLs and ABCs for unassessed stocks will occur over time as directed by the Council. The current OFL and ABC for unassessed species and species complexes will be maintained until updated levels are recommended by the SSC and approved by the Council.

For **Preferred Alternative 2**, the Council, with advice from the SSC and Advisory Panels (AP), will evaluate management risk for each stock through a stock risk rating. Stock risk ratings include information currently used in the Productivity and Susceptibility Analysis (PSA) (SAFMC 2011), but also incorporate socio-economic and environmental attributes. These recommendations will be revisited when new information becomes available (for example, a new stock assessment). The Council will then specify the risk rating as low, medium, or high risk of overfishing. A higher risk of overfishing would indicate that risk tolerance (the accepted probability of overfishing) should be lower. These stock risk ratings, along with relative biomass levels, will be used to determine the Council's default risk tolerance for each stock.

The SSC has developed a proposed evaluation method for these ratings based on information currently used in the Productivity and Susceptibility Analysis, but also incorporating socio-economic and environmental attributes. Stock risk ratings would be evaluated with respect to

three types of attributes: Biological, Human Dimension, and Environmental. Within each type, are specific attributes that can inform risk of overfishing:

- Biological:
  - Estimated natural mortality
  - Age at maturity
- Human Dimension:
  - Ability to regulate fishery
  - Potential for discard losses
  - Annual commercial value
  - Recreational desirability
  - Social concerns
- Environmental:
  - Ecosystem importance
  - Climate change
  - Other environmental variables

For time-varying or qualitative attributes, risk ratings were designed to address long-term effects. While short-term effects may influence managers' use of flexibility within the ABC control rule, ratings are intended to inform the long-term sustainability of the stock and fishery. Short-term effects that diverge from long-term effects can be noted for Council consideration on a case-by-case basis as P\* is determined. Short-term effects are also evaluated for each amendment as part of the National Environmental Policy Act (NEPA) analyses.

After attributes are evaluated on a scale of high (1), medium (2), or low (3) risk, ratings will be averaged by type, and ratings for each type will be averaged for an overall stock risk rating. Attribute ratings will be averaged without weighting, with no penalty for unknown attributes, and with a default type rating of moderate. The scoring system would rank all overall risk scores and divide them into equal thirds (to the nearest 0.1) to categorize stocks as high, medium, or low risk.

The stock risk rating and stock biomass would be used together to derive P\*, according to Table 2.1.1.3. For example, a stock with high biomass and medium stock risk rating would have a P\* of 45%. This would produce an ABC lower than the OFL, in accordance with Magnuson-Stevens Act. The SSC can recommend the Council reconsider the stock risk rating. This could happen, for example, with the emergence of new scientific studies or new information discovered through a stock assessment.

**Table 2.1.1.3.** Summary table of default risk tolerance levels based on stock risk ratings and relative biomass levels, proposed in Action 1-**Preferred Alternative 2**. MSY = maximum sustainable yield;  $B_{MSY}$  = Biomass of population that produces MSY; MSST = minimum stock size threshold.

<b>Stock Risk Rating</b>	<b>High Biomass</b> Biomass exceeds $B_{MSY}$ (or 110% $B_{MSY}$ per <b>Sub-Alternative 2a</b> )	<b>Moderate Biomass</b> Biomass is ABOVE the midpoint between $B_{MSY}$ and MSST	<b>Low Biomass</b> Biomass is below the midpoint between $B_{MSY}$ and MSST
Low	45%	45%	40%
Medium	45%	40%	30%
High	40%	30%	20%

ABC includes both components of scientific uncertainty and management risk tolerance. Under **Preferred Alternative 2**, the ABC can be increased via greater risk tolerance from the Council (higher  $P^*$ ) OR less uncertainty in the projection results (i.e., a narrower distribution about OFL) determined by the SSC. The ABC can be decreased via lower risk tolerance from the Council (lower  $P^*$ ) OR more uncertainty in the projections results (i.e., a wider distribution about OFL) determined by the SSC.

**Steps for Stock Risk Rating Use for Assessed Stocks under Preferred Alternative 2**

Before an Operational Assessment:

- SSC and AP recommend risk levels for attributes that contribute to the stock risk rating to the Council. The most current attribute ratings and overall stock risk rating will be shown and feedback will be requested on whether any changes are necessary to depict the current state of the stock and fishery.
  - Preliminary stock risk ratings are in Appendix E. Preliminary recommendations will be used to inform future risk determinations but will not impact ABCs that are already in place.
  - Estimates for biological attributes, including natural mortality and age at maturity, should be available from the most recent research track assessment. These values typically would not change prior to the operational assessment, but additional Council review of changes to these values and effects on the overall risk rating can be accommodated on a case-by-case basis.
  - AP input can be gathered as part of FPRs conducted before each assessment.
- The Council reviews SSC and AP recommendations and determines the stock risk rating.

During an Operational Assessment:

- $P^*$  will be derived using an estimate of relative biomass and the Council’s stock risk rating, according to Table 2.1.1.3.
- Projection analyses will be run using  $P^*=50\%$  and the  $P^*$  value defined by Table 2.1.1.3 to derive estimates of OFL and ABC.



### Stock Risk Ratings and ABC Recommendations for Unassessed Stocks

- If **Preferred Alternative 2** is implemented, the SSC will work through groups of unassessed stocks to determine ABC recommendations.
- Prior to the SSC developing an ABC recommendation for a group of unassessed stocks, the SSC and AP will provide input on stock risk rating attributes and the Council will determine stock risk rating, similar to the process described for assessed stocks.
- When possible, OFL will be defined and the ABC control rule will be applied to the OFL and its distribution, similar to the process described for assessed stocks. However, in cases where OFL cannot be defined and the SSC recommends ABC directly, the SSC will describe in their report how they considered the Council's stock risk rating in developing their recommendations.

Under **Preferred Sub-Alternative 2b**, the Council would have additional flexibility in deviating, up or down, from the accepted probability of overfishing by up to 10%. Using a 50% probability of overfishing implies negligible scientific uncertainty and sets  $OFL=ABC$ . At  $P^* = 0.50$ , removals above ABC caused by deviations in biological parameters (e.g., natural mortality (M), recruitment) will cause an overfishing determination and delay rebuilding plans. Therefore, adjusting  $P^*$  above the value set by the SSC should be infrequent and well-justified based on new scientific understanding and the Council's risk tolerance.

**Preferred Sub-Alternative 2c** would add flexibility in that, the Council can request ABC recommendations from the SSC for up to five years that depict ABC as both a consistent ABC that does not change from year to year and as a set fishing mortality rate that would result in ABCs that do change from year to year. The Council will then be able to choose which ABC recommendation should be applied, based on the needs of the fishery.

### **Alternative 3**

For **Alternative 3**, the ABC will be derived by applying  $P^*$  to a stock projection analysis for assessed stocks or an OFL estimated using alternative methods for unassessed stocks, when possible. If an OFL cannot be estimated, the SSC will derive the ABC directly.

This control rule is described below:

#### Level 1 – Assessed Stocks

Accepted probability of overfishing ( $P^*$ ) initially set by the Council between 30% and 50%. Adjustments to  $P^*$  (described in Table 2.1.1.4) would be subtracted from this initial value.

**Table 2.1.1.4.** Level 1 (Assessed Stocks) of the ABC control rule specified by the Comprehensive ACL Amendment for the Dolphin Wahoo, Golden Crab, and Snapper Grouper FMPs. Parenthetical values indicate (1) the maximum adjustment value for a dimension; and (2) the adjustment values for each tier within a dimension.

Tier	Tier Classification and Methodology to Compute ABC
<b>1. Assessment Information (10%)</b>	<ol style="list-style-type: none"> <li>1. Quantitative assessment provides estimates of exploitation and biomass; includes MSY-derived benchmarks. (0%)</li> <li>2. Reliable measures of exploitation or biomass, no MSY benchmarks, proxy reference points. (5%)</li> <li>3. Relative measures of exploitation or biomass, absolute measures of status unavailable. Proxy reference points. (10%)</li> </ol>
<b>2. Uncertainty Characterization (10%)</b>	<ol style="list-style-type: none"> <li>1. Complete. Key determinant – uncertainty in both assessment inputs and environmental conditions are included. (0%)</li> <li>2. High. Key determinant – reflects more than just uncertainty in future recruitment. (2.5%)</li> <li>3. Medium. Uncertainties are addressed via statistical techniques and sensitivities, but full uncertainty is not carried forward in projections. (5%)</li> <li>4. Low. Distributions of <math>FR_{MSYR}</math> and MSY are lacking. (7.5%)</li> <li>5. None. Only single point estimates; no sensitivities or uncertainty evaluations. (10%)</li> </ol>

### Level 2 – Unassessed Stocks

OFL and ABC will be developed according to the strategy proposed by the SSC’s Data-Limited Working Group (Appendix I). The SSC will attempt to estimate OFL and its uncertainty using available data, applicable methods, and expert judgement. If an OFL and its uncertainty are defined, the SSC will apply  $P^*$  to derive ABC. If an OFL is unable to be defined, the SSC will directly recommend an ABC. The process of updating OFLs and ABCs for unassessed stocks will occur over time as directed by the Council. The current OFL and ABC for unassessed species and species complexes will be maintained until updated levels are recommended by the SSC and approved by the Council.

### **2.1.2. Comparison of Alternatives**

Current ABC levels for all the species under the FMPs considered in this amendment would not be changed upon its implementation. Therefore, no immediate and direct biological effects (positive or negative) are expected for the stocks managed under these FMPs from **Preferred Alternative 2** (including **Sub-Alternative 2a** and **Preferred Sub-Alternatives 2b** and **2c**) and **Alternative 3** (including **Sub-Alternative 3a**), when compared with **Alternative 1 (No Action)**.

**Preferred Alternative 2** would give the SSC the ability to adjust or derive uncertainty of assessment results (ultimately impacting projections of future catch) if they determine uncertainty is not adequately estimated through information used in the assessment. **Preferred Alternative 2** would also improve the evaluation of risk tolerance by considering factors beyond the current productivity and susceptibility analysis and expanding the range of reference points used to describe and incorporate relative biomass. **Alternatives 1 (No Action)** and **3** do not give

the SSC this ability; these alternatives instead derive P\* according to evaluations of uncertainty by the SSC.

Biological effects of **Alternative 3** would be strongly impacted by the Council's risk tolerance, depicted through their initial P\* level. **Alternative 3** gives the Council flexibility in how this initial P\* level is determined. Adjustments to P\* based on assessment information (Tier 1) are greater under **Alternative 3** than **Alternative 1 (No Action)** for similar classifications, thus **Alternative 3** is expected to be more biologically beneficial for stocks with adjustments based on assessment information. Assessment uncertainty is characterized in **Alternative 3** similar to **Alternative 1 (No Action)**, and (as described above) would be less biologically beneficial than **Preferred Alternative 2** for stocks with high levels of uncertainty in their assessments.

For unassessed stocks, **Preferred Alternative 2** (and its sub-alternatives) and **Alternative 3** would expand the number of considerable methods for estimating OFL and ABC, providing expected biological benefits relative to **Alternative 1 (No Action)**. This would make use of SSC expertise in determining the most appropriate data-limited method for estimating these levels for each stock or complex.

Selection of sub-alternatives under **Preferred Alternative 2** or **Alternative 3** could have additional neutral or positive biological effects relative to selection of the respective alternative without sub-alternatives. Each of the **Preferred Alternative 2** sub-alternatives addresses a different component of the ABC control rule, so the effects for each sub-alternative should be considered based on whether that sub-alternative is selected but not in comparison to other sub-alternatives. Under **Sub-Alternative 2a**, biomass thresholds used to determine P\* would be greater (more conservative) than **Preferred Alternative 2** without this sub-alternative. Therefore, selection of **Sub-Alternative 2a** would be expected to provide additional biological benefits. **Preferred Sub-Alternative 2b** provides the Council with additional flexibility in setting P\*. This flexibility could be used to increase P\* (less biologically beneficial) or decrease P\* (more biologically beneficial) depending on information available. Thus, **Preferred Sub-Alternative 2b** is overall biologically neutral. **Preferred Sub-Alternative 2c** or **Sub-Alternative 3a** would provide the Council with multiple projections used to depict ABC under different harvest scenarios. Having ABC recommendations for different harvest strategies can provide added flexibility and potential biological benefits from deciding the most appropriate harvest strategy based on the Council's and advisory panel's knowledge of the stock and fishery. Projecting and considering ABC under multiple harvest strategies is allowed under the current control rules, but constant catch projections typically are not included in terms of reference provided at the beginning of assessments.

The reduced flexibility under **Alternative 1 (No Action)** compared to that under the proposed alternatives would potentially result in reduced long-term economic benefits due to decreased ability to incorporate risk and uncertainty into catch level recommendations which could result in reduced long-term harvest levels and associated economic benefits. **Preferred Alternative 2** (including **Sub-Alternative 2a** and **Preferred Sub-Alternatives 2b and 2c**) provides more flexibility to consider management risk and scientific uncertainty. Additionally, **Preferred Alternative 2** allows incorporation of economic information when determining the P\* value for a given species. The addition of economic factors would allow the Council to better consider the long-term economic implications when examining management risk which could lead to better

economic outcomes and increase net economic benefits in a fishery for a given species. **Alternative 3** would potentially provide positive biological and thus associated economic effects. These economic effects would likely be similar to those described for **Preferred Alternative 2**, but potentially to a lesser degree since economic factors would not specifically be incorporated. The greatest economic benefits would be expected from **Preferred Alternative 2** (including its sub-alternatives), followed by **Alternative 3** (including its sub-alternative), and **Alternative 1 (No Action)**.

The inclusion of social factors under **Preferred Alternative 2** (and its sub-alternatives) would allow the Council to directly consider the importance of a given species to fishing communities and businesses when determining risk tolerance. Incorporation of the social factors would have long-term social benefits in the form of a more appropriate ABC. Additionally, formally considering human dimensions in the scientific process may help to improve stakeholder perceptions of the science going into management decisions. Overall, should modifications to the ABC control rule contribute to long-term sustainability of snapper grouper, dolphin, wahoo, and golden crab species as envisioned, greater indirect and direct positive social effects would be expected under **Preferred Alternative 2** and its sub-alternatives, followed by **Alternative 3** and its sub-alternatives, and **Alternative 1 (No Action)**.

**Sub-Alternative 2a** would be expected to have reduced economic and social benefits immediately following an assessment, as it decreases the likelihood of a stock that is not overfished being in the moderate or high biomass categories, leading to lower P\* values and lower ABCs. Lower ABCs limit potential for economic profit and increase the possibility of seasonal closures. Concern about potential long-term negative economic and social effects from higher limits and unsustainable harvest is mitigated by the fact that any stock that would have a P\* derived using the stock risk rating must not be overfished. ABCs for overfished stocks would be derived through a rebuilding plan, which is a separate process.

**Preferred Sub-Alternatives 2b, 2c, and Sub-Alternative 3a** provide the Council additional flexibility in determining P\* (**Preferred Sub-Alternative 2b**) or considering ABC recommendations for multiple harvest strategies (**Preferred Sub-Alternatives 2c or Sub-Alternative 3a**). This added flexibility could produce positive or negative economic or social effects on a case-by-case basis, but overall, greater flexibility provides greater opportunity for consideration of actions that would be expected have more positive economic or social effects.

Administrative effects would be expected to be greater under **Preferred Alternative 2**, followed by **Alternative 3**, and **Alternative 1 (No Action)**. Administrative burdens would be related to SSC and Council involvement and discussions in addition to the status quo in the ABC and ACL determinations. Additional administrative effects would be related to educational activities by staff in informing all the constituents. Administrative burdens would be further increased with the inclusion of **Preferred Sub-Alternatives 2c or Sub-Alternative 3a** when compared with **Sub-Alternatives 2a or Preferred Sub-Alternative 2b** as additional projections that are not typically included in current assessments would become standard practice.

## 2.2. Action 2. Allow Phase-In of Acceptable Biological Catch Changes

### 2.2.1. Alternatives

**NOTE:** Current ABC values would not be changed for any species within this amendment. Rather, these phase-in elements related to the new control rule would be prospectively applied through future management actions related to setting catch limits.

#### **Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.**

**Alternative 1 (No Action).** Do not establish provisions to allow the phase-in of acceptable biological catch changes.

**Preferred Alternative 2.** Allow phase-in of increases to acceptable biological catch, as specified by the Council. Allow phase-in of decreases when a new acceptable biological catch is less than:

**Sub-Alternative 2a.** 60% of the existing acceptable biological catch.

**Sub-Alternative 2b.** 70% of the existing acceptable biological catch.

**Preferred Sub-Alternative 2c.** 80% of the existing acceptable biological catch.

**Alternative 3.** Allow phase-in of increases to acceptable biological catch at any stock biomass level, as specified by the Council. Allow phase-in of decreases to acceptable biological catch only:

**Sub-Alternative 3a.** if stock biomass exceeds the minimum stock size threshold.

**Sub-Alternative 3b.** if the stock biomass is greater than the midpoint between the biomass that provides maximum sustainable yield and the minimum stock size threshold.

#### **Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.**

**Alternative 1 (No Action).** No phase-in of acceptable biological catch changes is allowed.

**Preferred Alternative 2.** Phase-in acceptable biological catch decreases over no more than 3 years, as specified in Table 2.2.1.1. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the Scientific and Statistical Committee and Advisory Panel.

**Alternative 3.** Phase-in acceptable biological catch decreases over no more than 2 years, as specified in Table 2.2.1.1. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the SSC and AP.

**Alternative 4.** Phase-in acceptable biological catch decreases over 1 year, as specified in Table 2.2.1.1. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the SSC and AP.

### **Discussion**

This action addresses flexibility allowed under the revised NS1 guidelines. Phase-in of the ABC is an option the Council can consider to address the social and economic impacts from management changes. Adopting this flexibility does not require the Council to phase-in all ABC

changes, nor does adopting one approach prevent the Council from choosing a more restrictive schedule for an ABC phase-in. When considering whether to phase-in an ABC change, the Council should compare the risk to the stock against the expected social and economic benefits of the alternative ABC. Management strategy evaluations may be used to quantify such trade-offs. The Council may consult with its scientific and fishery advisors to help develop a rationale and implementation plan for using a phase-in.

Relevant NS1 Guidance (50 C.F.R. § 600.310(f)(2)(ii)(A)):

*Phase-in ABC control rules. Large changes in catch limits due to new scientific information about the status of the stock can have negative short-term effects on a fishing industry. To help stabilize catch levels as stock assessments are updated, a Council may choose to develop a control rule that phases in changes to ABC over a period of time, not to exceed 3 years, as long as overfishing is prevented each year (i.e., the phased-in catch level cannot exceed the OFL in any year). In addition, the Councils should evaluate the appropriateness of phase-in provisions for stocks that are overfished and/or rebuilding, as the overriding goal for such stocks is to rebuild them in as short a time as possible.*

Alternatives were developed consistent with NMFS guidance from 2020 addressing phase-ins (Holland et al. 2020). This guidance should also be referenced when considering stock-by-stock (or complex-by-complex) decisions allowed by selected alternatives. For example, the 2020 guidance recommends consideration of stock generation time in evaluating eligibility and implementation of an ABC phase-in. Stock generation time can vary widely among stocks managed in the South Atlantic and is not included as a specific criterion for evaluating eligibility across FMPs included in this amendment. However, it (as well as other such factors noted in the 2020 guidance) can be considered on a case-by-case basis, with advice from the SSC and APs as appropriate.

Sub-Action 2.1 specifies when phase-in would be allowed, addressing the NS guidance directing the Council to consider when phase-in is appropriate. Phase-ins are not required by any of the proposed sub-actions or alternatives. Multiple alternatives may be selected under Sub-Action 2.1 to address multiple criteria for allowing phase-ins. Phase-ins of ABC increases are allowed under all considered alternatives, as initial ABCs for those phase-ins would be less than the new recommended ABC levels. Sub-Action 2.1-**Preferred Alternative 2** states that the new ABC must be less than 60% (**Sub-Alternative 2a**), 70% (**Sub-Alternative 2b**), or 80% (**Preferred Sub-Alternative 2c**) of the existing ABC to justify phase-in of an ABC decrease. This alternative would specify and limit application of phase-ins for decreasing ABCs to “large changes.” Sub-Action 2.1-**Alternative 3** specifies stock conditions that must be met to justify a phase-in of an ABC decrease. **Sub-Alternative 3a** would require that a stock not be overfished (biomass greater than the MSST) to allow consideration of phasing in an ABC decrease. **Sub-Alternative 3b** sets a more conservative threshold, requiring stock biomass to be greater than the midpoint between MSST and  $B_{MSY}$  for that stock to be eligible for phasing in a decrease to its ABC.

Sub-Action 2.2 specifies the maximum duration for phase-ins of ABC decreases and maximum levels of ABC that can be implemented during the phase-in period for ABC decreases. A longer phase-in period allows a more gradual change from the existing ABC to the new ABC, greater

ABCs during the phase-in period, but a lower long-term new ABC after revised projections account for the higher levels used during the phase-in period. A shorter phase-in period results in a more immediate change from the existing ABC to the new ABC, lower ABCs during the phase-in period, and a higher long-term ABC after revised projections account for the levels used during the phase-in period. The Council may use a shorter phase-in period than the maximum specified by this sub-action, if desired. This approach gives the Council flexibility to address the SSC recommendation that assessment schedules be considered when evaluating the timing of a phase-in approach and the updated analyses required to evaluate phase-in effects on the stock.

Sub-Action 2.2-**Preferred Alternative 2** allows phase-in decreases over no more than 3 years, which is the maximum phase in period allowed by the NS1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions (NS1 Carry-over and Phase-in Guidance, Holland et al. 2020). The maximum allowable phase in period is shortened for **Alternative 3** (2 years) and **Alternative 4** (1 year). The time periods specified in Sub-Action 2.2-**Preferred Alternative 2** and **Alternatives 3** and **4** are according to the number of years between the existing ABC and the long-term new ABC, which would remain in place following the phase-in period until changed by future actions. The long-term new ABC would differ from the SSC's initial recommended ABC in that the SSC's initial recommended ABC would be based on projections that do not account for a phase-in period, while the long-term ABC would be based on projections that do account for a phase-in period. ABC requirements for different phase-in time periods are shown in Table 2.2.1.1. For example, a one-year phase-in does not indicate a within-year change to the ABC, but a single year in which (in the case of a phase-in decrease) the ABC may be less than or equal to the newly recommended OFL (which is greater than the SSC's initially recommended ABC). Revised projections accounting for this one-year phase-in would then estimate a long-term ABC, which would be implemented in the second year and beyond.

Sub-Action 2.2- **Preferred Alternative 2** and **Alternatives 3** and **4** would allow the Council greater flexibility in specifying ABC increases than ABC decreases. Increases to ABC (assuming comparable data between assessments) are generally indicative of an increase in relative biomass and improving stock condition. This allows greater consideration of ecological, social, and economic impacts of an increased ABC and flexibility in how that change can be implemented. For example, large increases to the ABC can have negative economic effects on price per pound (perceived or realized increased supply, not necessarily accompanied by a similar increase in demand). In such a case, the Council may choose to phase in the increased ABC to reduce immediate negative economic effects and allow time for markets to adjust to higher catch limits and potentially higher harvests.

The Council may specify ABC to be less than the SSC's recommended ABC, but may not exceed the SSC's recommendation. Phasing in an ABC increase would set ABC below the SSC's recommendation. If the phase-in is included in projections used to develop the SSC's ABC recommendation, there also may be an increase to the recommended long-term ABC (the ABC that persists after the phase-in is complete). Phasing in increases to ABC over a longer time period would result in a greater increase to long-term ABC (potentially up to the OFL minus any scientific uncertainty buffer determined by the ABC control rule), and phasing in increases over a shorter period (or not phasing in at all) would result in a smaller increase to long-term ABC. The Council could also gradually increase the ACL by specifying a buffer

between ABC and ACL that declines over several years. However, in that case, the SSC’s recommended ABC would not incorporate phase-in, so the long-term ABC would potentially be less than if phase-in were incorporated.

**Table 2.2.1.1.** Annual requirements for phase-in of decreases to ABCs over a 3-year schedule (Sub-Action 2.2-Preferred Alternative 2), 2-year schedule (Sub-Action 2.2-Alternative 3), or 1-year schedule (Sub-Action 2.2-Alternative 4).

<b>Year</b>	<b>3-Year Schedule (Preferred Alternative 2)</b>	<b>2-Year Schedule (Alternative 3)</b>	<b>1-Year Schedule (Alternative 4)</b>
<b>Year 1</b>	Modified ABC may not exceed the OFL.	Modified ABC may not exceed the OFL.	Modified ABC may not exceed the OFL.
<b>Year 2</b>	Modified ABC may not exceed one-half the difference between the OFL and the new ABC recommendation.	Modified ABC may not exceed one-half the difference between the OFL and the new ABC recommendation.	NA
<b>Year 3</b>	Modified ABC may not exceed the original recommended year 3 ABC (based on the projections and analyses that triggered the phase-in).	NA	NA
<b>Subsequent Years</b>	ABC is based on revised projections that account for the phase-in during years 1-3.	ABC is based on revised projections that account for the phase-in during years 1 and 2.	ABC is based on revised projections that account for the phase-in during year 1.

### 2.2.2. Comparison of Alternatives

Positive biological effects would be greatest under the alternative with the lowest amount of harvest. Under **Alternative 1 (No Action)** the Council can accomplish similar biological effects as phasing in ABC increases by setting ABC below the SSC’s recommended level and increasing ABC to the recommended level over time or specifying a buffer between ACL and ABC and decreasing the buffer over time. However, phasing in ABC increases (allowed under **Preferred Alternative 2** and **Alternative 3**) could result in revised projections that include lower ABCs in the short-term and a greater long-term ABC. **Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives) under Sub-Action 2.1 would allow phase-in of ABC decreases, which would allow harvest above ABC levels than would be recommended if phase-ins were not allowed. Therefore, positive biological effects would be greatest under **Alternative 1 (No Action)**, followed by **Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives). **Preferred Alternative 2** and **Alternative 3** could both be selected to increase positive biological effects and reduce the probability that a stock would qualify for phase-in of an ABC decrease, but selection of both **Preferred Alternative 2** and **Alternative 3** would still have negative biological effects compared to **Alternative 1 (No Action)**. Sub-



**Alternative 2a** is most likely to reduce overall harvest compared with **Sub-Alternative 2b** and **Preferred Sub-Alternative 2c** because it would require the largest change in ABC to allow phase-in of a decrease in the ABC. Therefore, **Sub-Alternative 2a** could have the greatest positive biological effects, followed by **Sub-Alternative 2b**, and **Preferred Sub-Alternative 2c** under **Preferred Alternative 2** in Sub-Action 2.1. **Sub-Alternative 3b** is more conservative, requiring a higher biomass to qualify for phase-in, and therefore would be expected to have greater positive biological effects when compared with **Sub-Alternative 3a** under **Alternative 3** in Sub-Action 2.1.

Under Sub-Action 2.2, minimizing the time of phase-in for ABC decreases reduces the number of years when ABC is above the level that would be recommended if phase-ins were not allowed. Therefore, positive biological effects would be greatest under **Alternative 1 (No Action)**, followed by **Alternative 4** (phase-in over no more than 1 year), **Alternative 3** (phase-in over no more than 2 years), and **Preferred Alternative 2** (phase-in over no more than 3 years).

Phasing-in an increase in the ABC **Preferred Alternative 2** and **Alternative 3** under Sub-Action 2.1 would result in potential foregone economic benefits if the phase-in process results in restrictions to landings, along with the associated economic benefits of those landings, that otherwise could have been realized if the phase-in had not occurred and the full ABC, along with the resulting ACL, had been implemented immediately. Phasing-in reductions to the ABC could also allow for economic stability and thus increased economic benefits in a fishery by allowing commercial and for-hire business to taper down their dependence on a specific species. **Sub-Alternative 2a** has the highest threshold for allowing the phase-in of a new ABC, thus the lowest probability of the three sub-alternatives within this alternative to be allowed, along with the previously described potential economic benefits of allowing phase-in. **Sub-Alternative 2b** and **Preferred Sub-Alternative 2c** would have lower thresholds for allowing the phase-in of a new ABC and higher likelihood of incurring the economic benefits of allowing such a phase-in. Comparison of **Preferred Alternative 2** and **Alternative 3** will vary on a case-by-case scenario, but overall, **Alternative 3** would create the same types of economic effects as those described for **Preferred Alternative 2**. In Sub-Action 2.2, **Preferred Alternative 2** has the longest phase-in period. This alternative would allow for the greatest short-term economic benefits from relatively higher harvest levels and a longer period to adjust to decreasing harvest levels but also allow for the lowest longer-term economic benefits. **Alternatives 3** and **4** in Sub-Action 2.2 would respectively have comparatively lower short-term economic benefits but higher potential long-term economic benefits.

Phasing in an increase in ABC under **Alternatives 2** and **3** in Sub-Action 2.1 may result in foregone social benefits if the phase-in process resulted in resources users meeting or exceeding their respective ACLs. Regarding decreases in ABC, while the stock ABC would ultimately result in the same ABC as **Alternative 1 (No Action)**, under **Alternatives 2** and **3**, commercial and for-hire business would have additional time to adjust their business plans to account for the full decrease in the ABC level, and associated management restrictions. It would also ensure that fishing opportunities remained available to private recreational fishermen in the interim. Therefore, **Preferred Sub-Alternative 2c** would have the great positive social effects followed by **Sub-Alternative 2b**, and **Sub-Alternative 2a**. **Alternative 3** would add additional restrictions with **Sub-Alternative 3a** being less restrictive than **Sub-Alternative 3b**. Similarly, under Sub-Action 2.2 the approach that maximizes the phase-in time period would provide the

greatest benefit to fishing communities. Thus, the greatest social benefits could be realized under **Preferred Alternative 2**, followed by **Alternative 3**, **Alternative 4**, and **Alternative 1 (No Action)**.

In Sub-Action 2.1, administrative effects would be expected to be greatest under **Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives), when compared with **Alternative 1 (No Action)**. In Sub-Action 2.2, administrative effects would be expected to be greatest under **Alternative 4**, followed by **Alternative 3**, **Preferred Alternative 2**, and **Alternative 1 (No Action)**. Administrative burdens would include SSC, AP, and Council discussions to determine whether a phase-in should be used for a stock.

## 2.3. Action 3. Allow Carry-Over of Unharvested Portions of the Annual Catch Limit

### 2.3.1. Alternatives

**NOTE:** Current ABC values would not be changed for any species within this amendment. Rather, these carry-over elements related to the new control rule would be prospectively applied through future management actions related to setting catch limits.

**Sub-Action 3.1. Establish criteria specifying circumstances when an unharvested portion of the originally specified sector annual catch limit can be carried over from one year to increase the available harvest in the immediate next year. Carry-overs may not be delayed, and only amounts from the originally specified sector annual catch limit may be carried over. Multiple sub-alternatives may be selected under Alternative 2.**

**Alternative 1 (No Action).** Do not establish provisions to allow the carry-over of annual catch limits.

**Preferred Alternative 2.** Allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, an overfishing limit for the stock is defined, and

**Sub-Alternative 2a.** the stock biomass exceeds the midpoint between the  $B_{MSY}$  and MSST biomass levels (or proxies of these levels).

**Sub-Alternative 2b.** that fishery sector has experienced a regulatory closure due to landings being projected to exceed that sector's annual catch limit at least once in the previous 3 years.

**Sub-Alternative 2c.** the sum of total landings for all sectors over the previous 3 years is less than the sum of the total annual catch limits over those same years.

**Preferred Sub-Alternative 2d.** ABC decreases are not being phased-in.

**Preferred Sub-Alternative 2e.** There are measures that restrict annual landings to the annual catch limit and post-season accountability measures that reduce the annual catch limit in the following year according to any landings overages in place for that stock and sector.

**Sub-Action 3.2. Specify limits on how much of the unharvested portion of a sector annual catch limit may be carried over from one year to increase the sector annual catch limit in the next year.**

**Alternative 1 (No Action).** No carry-over provisions are currently in place for the Snapper Grouper, Dolphin Wahoo, or Golden Crab Fishery Management Plans.

**Preferred Alternative 2.** Allow carry-over of the unharvested portion of a sector's annual catch limit. The acceptable biological catch and the total annual catch limit may be temporarily increased to allow this carry-over. The temporary acceptable biological catch may not exceed the overfishing limit. The revised total annual catch limit may not exceed the temporary acceptable biological catch or the total annual catch limit plus the carried over amount, whichever is less.

If both sectors are eligible, both the commercial and recreational sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit, the temporary acceptable biological catch will be set equal to the overfishing limit and the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

**Alternative 3.** Allow carry-over of the unharvested portion of a stock's annual catch limit. The acceptable biological catch may be temporarily increased to allow this carry-over but may not exceed the overfishing limit, the total annual catch limit plus the carried over amount, **or the total annual catch limit plus 25% of the carrying-over sector's annual catch limit**, whichever is least.

If both sectors are eligible, both the commercial and recreational sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit or 125% of the total annual catch limit, whichever is least. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit or 125% of the total annual catch limit, whichever is least, the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

### **Discussion**

This action addresses flexibility allowed under the revised NS1 guidelines. Carry-over that does not exceed the original ABC can be accommodated under existing rules, using the buffer between the ACL and ABC. However, for many Council stocks, ACL=ABC, so there is no buffer available. Per the NS1 guidance, an ABC control rule may include provisions to increase the ABC in the next year to address an ACL underage.

Relevant NS1 Guidance (50 C.F.R. § 600.310(f)(2)(ii)(B)):

*Carry-over ABC control rules. An ABC control rule may include provisions for the carry-over of some of the unused portion of an ACL (i.e., an ACL underage) from one year to increase the ABC for the next year, based on the increased stock abundance resulting from the fishery harvesting less than the full ACL. The resulting ABC recommended by the SSC must prevent overfishing and must consider scientific uncertainty consistent with the Council's risk policy. Carry-over provisions could also allow an ACL to be adjusted upwards as long as the revised ACL does not exceed the specified ABC. When considering whether to use a carry-over provision, Councils should consider the likely reason for the ACL underage. ACL underages that result from management uncertainty (e.g., premature fishery closure) may be appropriate*

*circumstances for considering a carry-over provision. ACL underages that occur as a result of poor or unknown stock status may not be appropriate to consider in a carry-over provision. In addition, the Councils should evaluate the appropriateness of carry-over provisions for stocks that are overfished and/or rebuilding, as the overriding goal for such stocks is to rebuild them in as short a time as possible.*

Alternatives were developed consistent with NMFS guidance from 2020 addressing carry-overs (Holland et al. 2020). This guidance should also be referenced when considering stock-by-stock (or complex-by-complex) decisions allowed by selected alternatives. For example, the 2020 guidance recommends consideration of natural mortality rate and proportion of the stock caught each year in evaluating eligibility and implementation of carry-overs. Short-lived stocks with high natural mortality rates and high proportions of annual catch can be particularly sensitive to environmental fluctuations, making them susceptible to overfishing if catch is increased via carry-over and adverse conditions lead to low recruitment in the following year. Natural mortality rate and annual catch proportions can vary widely among stocks managed in the South Atlantic and are not included as specific criteria for evaluating eligibility across FMPs included in this amendment. However, these (as well as other such factors noted in the 2020 guidance) can be considered on a case-by-case basis, with advice from the SSC and APs as appropriate.

The NS1 guidance addressing carry-overs indicates that Councils must state in their FMP when carry-over can and cannot be used. Sub-Action 3.1 specifies circumstances when carry-over would be allowed (though not required). Under Sub-Action 3.1-**Alternative 1 (No Action)**, no carry-over would be allowed. Sub-Action 3.1-**Preferred Alternative 2** addresses criteria defining eligibility for carry-over. Eligibility would be evaluated for an individual stock and individual sector that has a specified ACL. Base criteria for carry-over eligibility are that the stock is not overfished ( $B > MSST$ ), overfishing is not occurring ( $F < MFMT$ ), and the stock's OFL is defined. If a stock experiences overfishing, either as the result of a stock assessment or as determined by NMFS' annual evaluation of landings, that stock would no longer qualify for carry-over. Additional criteria are considered through sub-alternatives. Multiple sub-alternatives under Sub-Action 3.1-**Preferred Alternative 2** could be selected and combined.

Sub-Action 3.1-**Sub-Alternative 2a** requires that the stock's biomass be above a more conservative threshold than MSST, the midpoint between MSST and  $B_{MSY}$ .

Sub-Action 3.1-**Sub-Alternative 2b** addresses carry-over following catch-based regulatory closures for a fishery sector. A sector must have experienced a catch-based regulatory closure (i.e., the season was closed before the scheduled end of the season or fishing year due to the landings meeting or being projected to meet the sector ACL) at least once during the prior 3 years to be considered eligible for carry-over. The amount that may be carried over would still be determined from the unused ACL in the immediately preceding year, as specified by Sub-Action 3.2.

Sub-Action 3.1-**Sub-Alternative 2c** bases eligibility on landings history for the entire fishery (all sectors) during the prior 3 years. The sum of all landings during the prior 3 years must be less than the sum of the total ACLs in effect during the same time period. If sector ACLs are specified in different catch units (e.g., one in pounds and another in numbers), landings will be converted and evaluated using the units used to specify ABC.

Sub-Action 3.1-**Preferred Alternative 2d**, would require that carry-overs only be applied for ABCs that are not undergoing a phase-in for an ABC decrease.

Sub-Action 3.1-**Preferred Alternative 2e**, would require that carry-overs only be applied to stocks and sectors that have measures to limit harvest to the ACL and post-season accountability measures (AM) that would pay back ACL overages. The NS1 Carry-over and Phase-in Guidance (Holland et al. 2020) recommends against applying carry-overs of underharvests to stocks that do not also have paybacks of overharvest, as this could lead to the long-term average harvest being greater than the ACL.

Additional conditions to annually qualify for carry-over under Sub-Action 3.1 can be added on a stock-by-stock basis. For example, to prevent overharvest of co-caught species during years with carried-over ACL, an amendment specifying an ABC and ACL with carry-over could additionally require that the previous year's harvest for co-caught species also be less than or equal to the ACL for carry-over to occur. When applicable, the Council would specify whether stocks that have split seasons or sub-sector allocations (such as gear allocations) should be eligible for inter-annual carry-over (carry-over from one fishing year to the next fishing year, as opposed to intra-annual carry-over from one season within a fishing year to the next season in the same fishing year) on a case-by-case basis. Furthermore, the Council can also set additional limitations on the amount of underharvest that may be carried over. These additional conditions and limitations must be included in the amendment that specifies ABC with carry-over, when applicable.

Sub-Action 3.2 addresses the amount of unused ACL that can be carried over. Carry-over would be applied on a sector-by-sector basis, and the amount that may be carried over may not exceed the amount of unused sector ACL in the prior year. Unharvested portions of the sector ACL would be evaluated using the same units of measurement (e.g., weight or numbers) used to specify catch limits for the sector. If necessary, carried over amounts would be converted to the same unit as the ABC to calculate the temporary revised ABC and compare to the OFL. Sub-Action 3.2-**Alternative 1 (No Action)** would not allow carry-over. Sub-Action 3.2-**Preferred Alternative 2** and **Alternative 3** specify the amount of unused ACL that can be carried over.

Both **Preferred Alternative 2** and **Alternative 3** would allow an ABC to be temporarily revised to allow a sector ACL increase that would accommodate the carried over amount. The sum of the sector ACLs (total ACL) may not exceed the revised ABC. Carry-overs are sector-specific, thus if only one sector is carrying over unused ACL, the carried-over amount is allocated completely to that sector, subject to limitations defined in **Preferred Alternative 2** and **Alternative 3**. If more than one sector is carrying over unused ACL in the same year, each sector's carry-over amount would be completely allocated to the sector from which it was derived, unless the sum of all carry-over amounts plus the specified total ACL is greater than the OFL. In this case, the difference between the temporary revised ABC and the specified total ACL would be allocated using sector allocation percentages specified by the FMP. A revised sector ACL and revised ABC that includes the carried over amount would remain in place for a single fishing year. Following a year that included carry-over, evaluations of carry-over amounts for future years would be based on the ABC and sector ACLs specified by the FMP, not the temporarily revised values.

Under Sub-Action 3.2-**Preferred Alternative 2**, a temporarily revised ABC may not exceed the OFL. The OFL places an upper limit on the amount of unused ACL that may be carried over. The carried over amount cannot exceed the difference between the OFL and the specified total ACL.

Under Sub-Action 3.2-**Alternative 3**, a temporarily revised ABC may not exceed the OFL. A temporarily revised ABC also may not exceed the total ACL plus 25% of the sector ACL for the sector carrying over. This sub-alternative includes an additional limitation on the amount that may be carried over, making it more conservative than **Preferred Alternative 2** for ACL underages that are greater than 25% of the sector ACL or 25% of the total ACL (if both sectors are carrying over).

An example of carry-overs and how they would be applied to different scenarios is included in Appendix H.

### 2.3.2. Comparison of Alternatives

Positive biological effects would be expected from alternatives that allow the lowest amount of harvest. In the context of carry-over eligibility, the greatest positive biological effects would be expected from measures that most limit the occurrence of carry-overs. Therefore, **Alternative 1 (No Action)** would be expected to have greater positive biological effects (by not allowing carry-overs at all) when compared with **Preferred Alternative 2** (including its sub-alternatives). **Sub-Alternative 2a** would increase the probability that the stock has enough biomass to sustain temporary harvest beyond the specified ABC. **Sub-Alternative 2b** would limit carry-overs to those fisheries that could have harvested more of the ACL (indicated by underharvest) in the absence of an early closure of the fishery. **Sub-Alternative 2c** would limit the probability of average annual harvest exceeding average ACL over a longer time period. **Preferred Sub-Alternative 2d** would reduce negative biological effects by not allowing negative effects of carry-over and phase-in of an ABC decrease to be combined. **Preferred Sub-Alternative 2e** would limit carry-overs only to those stocks and sectors that have post-season AMs to reduce the ACL following an overage (payback), reducing the probability of overfishing occurring. The greatest positive biological effects under Sub-Action 3.1 would be expected from **Alternative 1 (No Action)**, followed by **Preferred Alternative 2**. Within **Preferred Alternative 2**, the greatest positive biological effects would be expected with the addition of all **Sub-Alternatives 2a, 2b, and 2c**, and **Preferred Sub-Alternatives 2d and 2e**.

In Sub-Action 3.2, the greatest positive biological effects would be expected from measures that most limit the amount of ACL that may be carried over. **Preferred Alternative 2** would allow carry-over of a sector's unharvested ACL. **Alternative 3** includes all of the limitations for carry-over amounts contained in **Preferred Alternative 2**, but also adds that the temporary revised ABC may not exceed the stock's total ACL plus 25% of the sector ACL. Therefore, **Alternative 1 (No Action)** would be expected to have the greatest positive biological effects (by not allowing carry-overs at all), followed by **Alternative 3**, and **Preferred Alternative 2**, respectively.

**Alternative 1 (No Action)** for both Sub-Action 3.1 and Sub-Action 3.2 would not allow carry-over of unharvested ACL. As such this would result in comparatively lower economic benefits from foregoing such harvest. **Preferred Alternative 2** and its sub-alternatives (**Sub-**

**Alternatives 2a, 2b, and 2c, and Preferred Sub-Alternatives 2d and 2e)** would specify criteria for when carry-over of unharvested ACL would be allowed, thus creating the opportunity for increased harvest and associated economic benefits in some circumstances. In Sub-Action 3.2, both **Preferred Alternative 2** and **Alternative 3** would be expected to increase potential short-term economic benefits, with **Preferred Alternative 2** providing slightly higher potential benefits than **Alternative 3** due to fewer restrictions on how much the ABC and resulting ACL could be temporarily increased. While difficult to compare the economic effects of each alternative and sub-alternative across sub-actions due to the wide range of applicable circumstance and species, economic benefits are expected to be greater under **Preferred Alternative 2** in Sub-Action 3.1 and **Preferred Alternative 2** and **Alternative 3** in Sub-Action 3.2 compared to **Alternative 1 (No Action)** in each sub-action, respectively.

Additional social effects would not be expected from Sub-Action 3.1 - **Alternative 1 (No Action)**, and any unused ACL would continue to be unavailable for harvest the following year. Generally, positive effects would be expected for fishermen from a carry-over of uncaught ACL under **Preferred Alternative 2** if the ACL provides additional opportunities to retain fish that would otherwise be unavailable the following year. However, there would be no effects from providing a carry-over for a given fish stock if the additional ACL goes unused. In general, the higher the ACL, the greater the short-term social benefits that would be expected to accrue, assuming long-term recovery and rebuilding goals are met. The highest potential ACL would be expected to result in the most benefits to participants. **Preferred Alternative 2** would allow carry-over of a sector's unharvested ACL as long as it does not exceed the OFL or the total ACL plus the carried over amount. **Alternative 3** adds an additional limit, restricting the ABC to the stock's total ACL plus 25% of the sector ACL. Under the alternatives proposed in Sub-Action 3.2, the greatest benefits to fishery participants, communities, and associated fishing businesses would be expected under **Preferred Alternative 2**, followed by **Alternative 3**, and **Alternative 1 (No Action)**.

In Sub-Action 3.1, administrative effects would be expected to be greatest under **Preferred Alternative 2** (including its sub-alternatives), when compared with **Alternative 1 (No Action)**. Within **Preferred Alternative 2**, administrative burdens would be expected to be greater under **Sub-alternatives 2a, 2b, and 2c**, when compared with **Preferred Sub-alternatives 2d and 2e**, because of the complexity of calculations in establishing the criteria when carry-over could be allowed. In **Sub-Action 3.2**, administrative effects would be expected to be greater under **Preferred Alternative 2** and **Alternative 3**, compared to **Alternative 1 (No Action)**. Administrative burdens would include SSC, AP, and Council discussions determining whether a stock can carry over unharvested ACL in years when it meets the conditions defined in Sub-Action 3.1, as well as staff work to incorporate the Council's decision on carry-overs into an amendment or regulatory amendment to the FMP. Additional administrative effects would be related to educational activities by staff in informing all the constituents and enforcement of any changes to the ACLs.



## 2.4. Action 4. Modify Framework Procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans

### 2.4.1. Alternatives

**NOTE:** Action 4 was added to this amendment to address implementation of carry-overs. This approach was taken to more specifically define the process of carry-over implementation within the FMPs' framework procedures. Current ABC values would not be changed for any species within this amendment.

#### **Sub-Action 4.1. Modify Section I of the Snapper Grouper Framework Procedure to include a framework process to approve carry-overs.**

**Alternative 1 (No Action).** Do not modify the Snapper Grouper Fishery Management Plan Framework Procedure (available in [Appendix J](#)).

**Preferred Alternative 2.** Modify the Snapper Grouper Fishery Management Plan Framework Procedure by adding the following language to Section I:

Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, National

Marine Fisheries Service will enact carry-over of eligible landings from the previous year.

- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

**Sub-Action 4.2. Modify the Dolphin Wahoo Fishery Management Plan framework procedure to include a framework process to approve carry-overs.**

**Alternative 1 (No Action).** Do not modify the Dolphin Wahoo Fishery Management Plan Framework Procedure (available in [Appendix J](#)).

**Preferred Alternative 2.** Modify the Dolphin Wahoo Fishery Management Plan Framework Procedure by adding the following language:

Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

**Sub-Action 4.3. Modify the Golden Crab Fishery Management Plan Framework Procedure to include a framework process to approve carry-overs.**

**Alternative 1 (No Action).** Do not modify the Golden Crab Fishery Management Plan Framework Procedure (available in [Appendix J](#)).

**Preferred Alternative 2.** Modify the Golden Crab Fishery Management Plan Framework Procedure by adding the following language:

Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

### **Discussion**

Action 4 addresses the process by which catch limits would be temporarily adjusted to accommodate carry-over. This process would be incorporated into the framework procedures for each of the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs.

Under existing procedures, the Council could ask the SSC to consider recommending a temporary, higher ABC to accommodate carry-over. This approach is not particularly efficient, given the timing of Council and SSC meetings and the need to implement carry-overs within a fishing year based on landings from the previous year.

Under **Preferred Alternative 2** in Sub-Actions 4.1-4.3, single season adjustments to ABCs and ACLs to accommodate carry-overs would occur automatically for stocks for which: 1) the SSC

has recommended be eligible for potential carry-over when recommending the ABC, 2) the Council has decided are eligible for potential carry-over when specifying the ABC and ACL, and 3) annual conditions have fulfilled criteria specified in Action 3.

This procedure would not require additional public, SSC, or advisory panel comment, as comments relevant to the ABC being approved with potential for a future carry-over would be part of the development process for the amendment or framework in which the ABC and ACL are specified.

#### 2.4.2. Comparison of Alternatives

No biological effects on any species under the Snapper Grouper, Dolphin Wahoo, and Golden Crab FMPs would be expected under **Preferred Alternative 2** in Sub-Actions 4.1, 4.2, and 4.3, when compared with **Alternative 1 (No Action)**, because this action (and sub-actions) do not impact the harvest levels of any species in any manner.

Under **Alternative 1 (No Action)** for each sub-action respectively, carry-over measures could still be implemented but these measures would need to go into place via a plan amendment rather than a framework amendment. Plan amendments typically take longer to put into place, thus increasing the time that the initial potential economic benefits from carry-over could occur. Additionally, there could be higher administrative costs from developing a plan amendment compared to a framework amendment. Therefore, **Preferred Alternative 2** for each sub-action, which would allow carry-over to be implemented via framework, would likely result in more timely economic benefits and fewer costs than **Alternative 1 (No Action)**.

Modification of the framework procedure of for the Snapper Grouper (Sub Action 4.1), Dolphin Wahoo (Sub-Action 4.2) and Golden Crab (Sub-Action 4.3) FMPs would not be expected to result in any direct social impacts. Rather, indirect social effects would be expected and would result in broad, long-term social benefits, and minimal negative social effects. The relative speed at which beneficial regulatory changes can be implemented can play a role in determining the magnitude of the anticipated indirect social effects. **Preferred Alternative 2** would reduce the required time to modify the ACLs if a carry-over occurs by allowing the Council to propose changes through the framework procedure. Although **Preferred Alternative 2** reduces the opportunity for public comment of proposed measures, the expedited process is expected to benefit fishery participants through more timely management changes that respond to new information and may result in greater fishing opportunities. Standard public participation and review opportunities remain available as part of the framework procedure under all alternatives.

**Preferred Alternative 2** under each of Sub-Actions 4.1, 4.2, and 4.3, would be expected to have greater administrative effects compared to **Alternative 1 (No Action)** of those respective sub-actions. Administrative burdens would include SSC, AP, and Council work to develop framework amendments implementing ABCs with carry-over in eligible years. Administrative burdens would also include single season adjustments to ABCs and ACLs for applicable stocks. Additional administrative effects would be related to educational activities by staff in informing all the constituents and enforcement of any changes to the ACLs. In the long-term, the abbreviated process outlined under **Preferred Alternative 2** in Sub-Actions 4.1, 4.2, and 4.3

(Section 2.4.1), would be expected to have beneficial administrative effects in reducing staff time and workload, especially during the rulemaking process.

## Chapter 3. Affected Environment

This section describes the affected environment in the proposed project area. The affected environment is divided into six major components:

- **Habitat Environment** (Section 3.1)
- **Biological and Ecological Environment** (Section 3.2)
- **Economic Environment** (Sections 3.3)
- **Social Environment** (Section 3.4)
- **Environmental Justice** (Section 3.5)
- **Administrative Environment** (Section 3.6)

### 3.1. Habitat Environment

Information on the habitat utilized by species in the snapper grouper, dolphin and wahoo, and golden crab fishery management units (FMU) and managed through the Fishery Management Plans (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP), and Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP) is included in Volume II of the Fishery Ecosystem Plan (FEP; SAFMC 2009) and the FEP Dashboard (under revision) which are incorporated here by reference. The South Atlantic Fishery Management Council (Council) designated essential fish habitat (EFH) and EFH-Habitat Areas of Particular Concern (HAPC) are presented in the [SAFMC User Guide](#) and spatial representations of these and other habitat related layers are in within the Council's [SAFMC Atlas](#).

#### 3.1.1. Essential Fish Habitat

EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity” (16 U.S. C.-1802(10)). EFH for species in the Snapper Grouper FMU includes coral reefs, live/hard bottom, submerged aquatic vegetation, artificial reefs and medium to high profile outcroppings on and around the shelf break zone from shore to at least 600 ft (but to at least 2,000 ft for wreckfish) where the annual water temperature range is sufficiently warm to maintain adult populations of members of this largely tropical complex. EFH includes the spawning area in the water column above the adult habitat and the additional pelagic environment, including *Sargassum*, required for larval survival and growth up to and including settlement. In addition, the Gulf Stream is an EFH because it provides a mechanism to disperse snapper grouper larvae.

For specific life stages of estuarine dependent and nearshore snapper grouper species, EFH includes areas inshore of the 100-foot contour, such as attached macroalgae; submerged rooted vascular plants (seagrasses); estuarine emergent vegetated wetlands (saltmarshes, brackish marsh); tidal creeks; estuarine scrub/shrub (mangrove fringe); oyster reefs and shell banks; unconsolidated bottom (soft sediments); artificial reefs; and coral reefs and live/hard bottom.

EFH for dolphin and wahoo is the Gulf Stream, Charleston Gyre, Florida Current, and pelagic *Sargassum*. This EFH-HAPC definition for dolphin was approved by the Secretary of Commerce on June 3, 1999 as a part of the SAFMC Comprehensive Habitat Amendment (SAFMC 1998)(dolphin was included within the Coastal Migratory Pelagics FMP), the FMP for Dolphin and Wahoo (2003) and Amendment 2 in Comprehensive Ecosystem Based Amendment 1 (SAFMC 2009) for dolphin and wahoo and presented in the [SAFMC User Guide](#).

EFH for golden crab includes the U.S. Continental Shelf from Chesapeake Bay south through the Florida Straits (and into the Gulf of Mexico). In addition, the Gulf Stream is an essential fish habitat because it provides a mechanism to disperse golden crab larvae. The detailed description of seven essential fish habitat types (a flat foraminiferan ooze habitat; distinct mounds, primarily of dead coral; ripple habitat; dunes; black pebble habitat; low outcrop; and soft-bioturbated habitat) for golden crab is provided in Volume II of the FEP (SAFMC 2009).

### 3.1.2. Habitat Areas of Particular Concern

EFH-Habitat Areas of Particular Concern (EFH-HAPCs) for species in the snapper-grouper management unit include medium to high profile offshore hard bottoms where spawning normally occurs; localities of known or likely periodic spawning aggregations; nearshore hard bottom areas; The Point, The Ten Fathom Ledge, and Big Rock (North Carolina); The Charleston Bump (South Carolina); mangrove habitat; seagrass habitat; oyster/shell habitat; all coastal inlets; all state-designated nursery habitats of particular importance to snapper grouper (e.g., Primary and Secondary Nursery Areas designated in North Carolina); pelagic and benthic *Sargassum*; Hoyt Hills for wreckfish; the Oculina Bank Habitat Area of Particular Concern; all hermatypic coral habitats and reefs; manganese outcroppings on the Blake Plateau; and Council-designated Artificial Reef Special Management Zones (SMZs). Areas that meet the criteria for EFH-HAPCs include habitats required during each life stage (including egg, larval, post-larval, juvenile, and adult stages).

The Council established the special management zone (SMZ) designation process in 1983 in the Snapper Grouper FMP, and SMZs have been designated in federal waters off North Carolina, South Carolina, Georgia, and Florida since that time. The purpose of the original SMZ designation process, and the subsequent specification of SMZs, was to protect snapper grouper populations at the relatively small, permitted artificial reef sites and “create fishing opportunities that would not otherwise exist.” Thus, the SMZ designation process was centered around protecting the relatively small habitats, which are known to attract desirable snapper grouper species.

Similarly, in the Comprehensive Ecosystem-Based Amendment 1 (CE-BA 1; SAFMC 2009), the Council designated EFH areas and EFH-HAPCs under the Snapper Grouper FMP. Under the Magnuson-Stevens Act, FMPs are required to describe and identify EFH and to minimize the

adverse effects of fishing on such habitat to the extent practicable. An EFH-HAPC designation adds an additional layer to the EFH designation. Under the Snapper Grouper FMP, EFH-HAPCs are designated based upon ecological importance, susceptibility to human-induced environmental degradation, susceptibility to stress from development, or rarity of habitat type. The Council determined in CE-BA 1 that the Council-designated SMZs met the criteria to be EFH-HAPCs for species included in the Snapper Grouper FMP. Since CE-BA 1, the Council has designated additional SMZs in the Snapper Grouper FMP. The SMZ and EFH-HAPC designations serve similar purposes in pursuit of identifying and protecting valuable and unique habitat for the benefit of fish populations, which are important to both fish and fishers. Therefore, the Council determined that a designated SMZ meets the criteria for an EFH-HAPC designation, and the Council intends that all SMZs designated under the Snapper Grouper FMP also be designated as EFH-HAPCs under the Snapper Grouper FMP.

EFH-HAPC for dolphin and wahoo in the Atlantic include The Point, The Ten-Fathom Ledge, and Big Rock (North Carolina); The Charleston Bump and The Georgetown Hole (South Carolina); The Point off Jupiter Inlet (Florida); The Hump off Islamorada, Florida; The Marathon Hump off Marathon, Florida; The “Wall” off of the Florida Keys; and Pelagic *Sargassum*.

Areas that meet the criteria for EFH-HAPCs include habitats required during each life stage (including egg, larval, post larval, juvenile, and adult stages). In addition to protecting habitat from fishing related degradation through fishery management plan regulations, the Council, in cooperation with National Marine Fisheries Service (NMFS), actively comments on non-fishing projects or policies that may impact EFH. With guidance from the Habitat Advisory Panel, the Council has developed and approved policies on: energy exploration, development, transportation and hydropower re-licensing; beach dredging and filling and large-scale coastal engineering; protection and enhancement of submerged aquatic vegetation; alterations to riverine, estuarine and near shore flows; offshore aquaculture; and marine invasive species and estuarine invasive species.

There is insufficient knowledge of the biology of golden crabs to identify spawning and nursery areas and to identify EFH-HAPCs at this time. As information becomes available, the Council will evaluate such data and identify HAPCs as appropriate. Refer to Appendix D for detailed information on EFH and EFH-HAPCs for all Council managed species.

### **3.2. Biological and Ecological Environment**

Details regarding the biological and ecological environment for the species in the Snapper Grouper FMU are found in the Comprehensive Annual Catch Limit (ACL) Amendment (SAFMC 2011) and amendments to the Snapper Grouper FMP since then, and are incorporated by reference, herein. Similarly, the reader is referred to Amendment 10 to the Dolphin Wahoo FMP (SAFMC 2021) and Amendment 9 to the Golden Crab FMP (SAFMC 2015b), as those amendments are also incorporated by reference.

In summary, the waters off the South Atlantic coast are home to a diverse population of fish. The Snapper Grouper FMU contains 55 species of fish, many of them neither “snappers” nor “groupers.” These species live in depths from a few feet (typically as juveniles) to hundreds of



feet. As far as north/south distribution, the more temperate species tend to live in the upper reaches of the South Atlantic management area (e.g., black sea bass, red porgy) while the tropical variety's core residence is in the waters off south Florida, Caribbean Islands, and northern South America (e.g., black grouper, mutton snapper). These are reef-dwelling species that live amongst each other. These species rely on the reef environment for protection and food. There are several reef tracts that follow the southeastern coast. The fact that these fish populations congregate dictates the nature of the fishery (multi-species) and further forms the type of management regulations proposed in this amendment.

Dolphin and wahoo are highly migratory pelagic species occurring in tropical and subtropical waters worldwide. In the western Atlantic, dolphin and wahoo are distributed from Nova Scotia to Brazil, including Bermuda and the greater Caribbean region, and the Gulf of Mexico. They are found near the surface around natural and artificial floating objects, including *Sargassum* (in the Atlantic).

Golden crabs inhabit the continental slope of Bermuda and the southeastern U.S. from off Chesapeake Bay south through the Straits of Florida and into the eastern Gulf of Mexico.

Additional information regarding life-history of the species in the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMUs can be found in the amendments mentioned above and in Volume II of the FEP.

### 3.2.1. Stock Status

Southeast Data, Assessment, and Review (SEDAR) process is a cooperative Fishery Management Council initiative to improve the quality and reliability of fishery stock assessments in the South Atlantic, Gulf of Mexico, and U.S. Caribbean. SEDAR seeks improvements in the scientific quality of stock assessments, constituent and stakeholder participation in assessment development, transparency in the assessment process, and a rigorous and independent scientific review of completed stock assessments.



SEDAR is organized around three public workshops. First is the Data Workshop, during which fisheries monitoring and life history data are reviewed and compiled. Second is the Assessment Workshop, which may be conducted via a workshop and several webinars, during which assessment models are developed and population parameters are estimated using the information provided from the Data Workshop. Third and final is the Review Workshop, during which independent experts review the input data, assessment methods, and assessment products. The completed assessment, including the reports of all three workshops and all supporting documentation, are then forwarded to the Council's Scientific and Statistical Committee (SSC). The SSC considers whether the assessment is useful for management and develops fishing level recommendations for Council consideration.

Detailed information on species in the Snapper Grouper FMU assessed by the SEDAR process can be found at <http://sedarweb.org/>, and is hereby incorporated by reference. The Report to

Congress on the Status of U.S. Stocks indicates dolphin is not overfished, and is not undergoing overfishing; while the overfishing and overfished status of wahoo and golden crab is unknown.<sup>1</sup>

### 3.2.2. Protected Species

NMFS manages marine protected species in the Southeast region under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). ESA-listed species under our purview in the Atlantic include species and Distinct Population Segments (DPS) of species of marine mammals (whales), sea turtles, fish, and corals. These species and their critical habitat are listed in Table 3.2.2.1.

**Table 3.2.2.1.** Status of listed species that may be affected in the action area (E= endangered, T=threatened).

Species		Scientific Name	Status
<b>Marine Mammals</b>	Sei whale	<i>Balaenoptera borealis</i>	E
	Blue whale	<i>Balaenoptera musculus</i>	E
	Fin whale	<i>Balaenoptera physalus</i>	E
	North Atlantic right whale	<i>Eubalaena glacialis</i>	E
	Sperm whale	<i>Physeter macrocephalus</i>	E
<b>Sea Turtles</b>	Loggerhead sea turtle, Northwest Atlantic (NWA) Distinct Population Segment (DPS)	<i>Caretta caretta</i>	T
	Green sea turtle, North Atlantic	<i>Chelonia mydas</i>	T
	Green sea turtle, South Atlantic DPS	<i>Chelonia mydas</i>	T
	Leatherback sea turtle	<i>Dermochelys coriacea</i>	E
	Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E
	Kemp’s ridley sea turtle	<i>Lepidochelys kempii</i>	E
	Olive ridley sea turtle	<i>Lepidochelys olivacea</i>	T
<b>Fish</b>	Atlantic sturgeon, South Atlantic DPS	<i>Acipenser oxyrinchus</i>	E
	Atlantic sturgeon, Carolina DPS	<i>Acipenser oxyrinchus</i>	E
	Atlantic sturgeon, Chesapeake Bay DPS	<i>Acipenser oxyrinchus</i>	E
	Atlantic sturgeon, New York Bight DPS	<i>Acipenser oxyrinchus</i>	E
	Atlantic sturgeon, Gulf of Maine DPS	<i>Acipenser oxyrinchus</i>	T
	Atlantic salmon, Gulf of Maine DPS	<i>Salmo salar</i>	E
	Giant manta ray	<i>Mobula birostris</i>	T

<sup>1</sup> <https://media.fisheries.noaa.gov/2022-04/Q1%202022%20FSSI%20and%20non%20FSSI%20Stock%20Status%20Tables.pdf>

Species		Scientific Name	Status
	Scalloped hammerhead shark, Central and Southwest Atlantic DPS	<i>Sphyrna lewini</i>	T
	Smalltooth sawfish, U.S. DPS	<i>Pristis pectinata</i>	E
	Oceanic whitetip shark	<i>Carcharhinus longimanus</i>	T
	Nassau grouper	<i>Epinephelus striatus</i>	T
Corals	Elkhorn coral	<i>Acropora palmata</i>	T
	Staghorn coral	<i>Acropora cervornis</i>	T
	Lobed star coral	<i>Orbicella annularis</i>	T
	Rough cactus coral	<i>Orbicella annularis</i>	T
	Pillar coral	<i>Dendrogyra cylindrus</i>	T
	Mountainous coral	<i>Dendrogyra cylindrus</i>	T
	Boulder star coral	<i>Dendrogyra cylindrus</i>	T
<b>Critical Habitat</b>	North Atlantic right whale		
	Loggerhead sea turtle: NWA DPS		
	<i>Acropora</i> corals		

NMFS completed a formal consultation and resulting biological opinion (Bi-Op) on the conservation regulations under the ESA and the authorization of the South Atlantic snapper grouper fishery in federal waters under the Magnuson-Stevens Act, including the fishery managed by the Snapper Grouper FMP, on threatened and endangered species and designated critical habitat dated December 1, 2016. NMFS concluded that the activities addressed in the consultation are not likely to jeopardize the continued existence of any threatened or endangered species.

Since completing the December 2016 Bi-Op, NMFS published several final rules that listed additional species and designated critical habitat. NMFS has reinitiated formal consultation to address these listings and concluded the authorization of the South Atlantic snapper grouper fishery in federal waters during the re-initiation period will not violate ESA Sections 7(a)(2) or 7(d). For summary information on the protected species that may be adversely affected by the snapper grouper fishery and how they are affected refer to Section 3.2.5 in [Vision Blueprint Regulatory Amendment 27](#) to the Snapper Grouper FMP (SAFMC 2019d).

Species descriptions and distributions of species in Table 3.2.2.1 above are available in the BiOps for the Pelagic Longline Fishery for Atlantic Highly Migratory Species (HMS) (PLL BiOp; NMFS 2020b) and the operation of the HMS fisheries (excluding pelagic longline) under the Consolidated Atlantic HMS Fishery Management Plan (Non-PLL BiOp; NMFS 2020a), and

are hereby incorporated by reference. Of these species and DPSs, the sea turtles, giant manta ray, Central and Southwest Atlantic DPS scalloped hammerhead shark, and oceanic whitetip shark may be adversely affected by the proposed action through incidental capture in dolphin and wahoo fishing gear. Sea turtle and giant manta rays may also be adversely affected if struck by a vessel in the fishery transiting to or from fishing grounds. All of the other listed species and critical habitat in Table 3.2.2.1 are not likely to be adversely affected because of little overlap with where dolphin and wahoo fishing actually occurs. NMFS has reinitiated formal consultation to address these listings and concluded the authorization of the dolphin and wahoo fishery in federal waters during the re-initiation period will not violate ESA Sections 7(a)(2) or 7(d). For summary information on the protected species that may be adversely affected by the dolphin and wahoo fishery and how they are affected, refer to Section 3.2.5 in Amendment 10 to the Dolphin Wahoo FMP (SAFMC 2021).

The golden crab fishery operates in deep water (800 ft or more) and does not use buoys or trap lines. These characteristics mean sea turtles and marine mammals are the only ESA-listed species that may be affected by the fishery. A trap could theoretically, hit these species as it is deployed. However, because these species are highly mobile the likelihood of injury occurring is extremely low. To date, no interactions between this fishery and ESA-listed sea turtles or marine mammals have ever been documented. All ESA consultations on the golden crab fishery have been informal.

### **3.3. Economic Environment**

A description of the dolphin and wahoo, snapper grouper, and golden crab stocks affected by the actions considered in this amendment is provided in Section 3.2. Additional details on the economic environment of the recreational and commercial sectors of these fisheries are provided in Comprehensive ACL Amendment (SAFMC 2011). Details of the Atlantic dolphin wahoo, South Atlantic golden crab, and snapper grouper fisheries in general, can be found in Dolphin Wahoo Amendment 10 (SAMFC 2021), Golden Crab Amendment 9 (SAFMC 2015b), and Snapper Grouper Amendment 50 (SAFMC 2022), respectively.

#### **3.3.1. Commercial Sector**

##### ***Permits***

Any fishing vessel that harvests and sells dolphin or wahoo from the Atlantic EEZ must have a valid Atlantic dolphin wahoo commercial permit. Commercial Atlantic dolphin wahoo (ADW) permits are open access permits (i.e., access is not restricted). As shown in Table 3.3.1.1, the number of permits that were valid at any point in a given year increased slightly from 2015-2019. The number of permits decreased slightly in 2019 but was still higher than in 2015.

**Table 3.3.1.1.** Number of valid Atlantic Dolphin Wahoo permits, 2015-2019.

Year	Number of Permits
2015	2,660
2016	2,716
2017	2,785
2018	2,807
2019	2,722

Any fishing vessel that harvests and sells any of the golden crab species from the South Atlantic EEZ) must have a valid South Atlantic commercial golden crab permit (GC), which is a limited access permit. After a permit expires, it can be renewed or transferred up to one year after the date of expiration. As shown in **Table 3.3.1.2**, the number of valid or renewable GC crab permits has remained consistent from 2015 through 2019.

**Table 3.3.1.2.** Number of valid or renewable Golden Crab permits, 2015-2019.

Year	Number of Permits
2015	11
2016	11
2017	11
2018	11
2019	11

Source: NMFS Southeast Regional Office (SERO) Sustainable Fisheries (SF) Access permits database.

Any fishing vessel that harvests and sells any of the snapper grouper species from the South Atlantic EEZ must have a valid South Atlantic commercial snapper grouper permit (SG), which is a limited access permit. After a permit expires, it can be renewed or transferred up to one year after the date of expiration. The number of valid or renewable SG permits declined steadily from 2015-2019, with about 6% less vessels participating in 2019 relative to 2015 (**Table 3.3.1.3**).

**Table 3.3.1.3.** Number of valid or renewable South Atlantic commercial SG permits, 2015-2019.

Year	Unlimited Permits	225-lb Trip-limited	Total Permits
2015	571	121	692
2016	565	116	681
2017	554	114	668
2018	549	110	659
2019	543	108	651

Source: NMFS SERO SF Access permits database.

### **Landings, Revenue, and Effort**

The information in Table 3.3.1.4 describes the landings and revenue for vessels that harvested

Atlantic dolphin in each year from 2015 through 2019, as well as their revenue from Atlantic wahoo and other species. Vessel participation has been highly variable from 2015-2019, peaking at 695 vessels in 2016 and generally decreasing thereafter. Similarly, total annual revenue from dolphin landings steadily decreased after 2015, declining by about 37% from 2015 through 2019.

**Table 3.3.1.4.** Landings and revenue for vessels harvesting Atlantic dolphin by year, 2015-2019 (2019\$).

Year	Number of Vessels	Dolphin Landings (ww)	Dolphin Revenue	Wahoo Revenue	Other Revenue	Total Revenue
2015	618	1,101,476	\$3,236,562	\$210,267	\$44,788,222	\$48,235,051
2016	695	940,696	\$3,135,004	\$239,148	\$45,904,753	\$49,278,905
2017	665	645,792	\$2,200,895	\$233,330	\$51,887,899	\$54,322,124
2018	638	511,419	\$1,599,455	\$173,842	\$39,901,133	\$41,674,430
2019	646	687,559	\$1,984,127	\$233,283	\$51,919,314	\$54,136,723

Source: Atlantic Coastal Cooperative Statistics Program (ACCSP) pers. comm., data accessed July 23, 2020.

The information in Table 3.3.1.5 describes the landings and revenue for vessels that harvested Atlantic wahoo in each year from 2015 through 2019, as well as their revenue from Atlantic dolphin and other species. Vessel participation has been steadily declining from 2015-2019, with the number of active vessels being about 21% less in 2019 relative to 2015. Total annual revenue from wahoo landings was also highly variable during this time, but generally increased from 2015 through 2019 in part due to the decline in the number of active vessels.

**Table 3.3.1.5.** Landings and revenue for vessels harvesting Atlantic wahoo by year, 2015-2019 (2019\$).

Year	Number of Vessels	Wahoo Landings (ww)	Wahoo Revenue	Dolphin Revenue	Other Revenue	Total Revenue
2015	370	64,455	\$250,845	\$2,899,149	\$30,255,573	\$33,405,567
2016	349	66,868	\$272,502	\$2,658,451	\$27,292,518	\$30,223,471
2017	288	67,995	\$275,965	\$1,794,383	\$31,499,567	\$33,569,915
2018	273	50,364	\$200,338	\$1,281,028	\$20,774,530	\$22,255,896
2019	292	68,139	\$262,896	\$1,720,873	\$28,404,351	\$30,388,120

Source: ACCSP, pers. comm., data accessed July 23, 2020.

As illustrated in Table 3.3.1.6 and Table 3.3.1.7, although most vessels (about 86%) that have been active in the commercial sector of the Atlantic dolphin fishery possess ADW permits, some vessels (about 14%) do not. Further, vessels with ADW permits are responsible for about 92% of the revenue from dolphin landings, with non-permitted vessels accounting for the other 8%. Active permitted vessels generally have higher average annual dolphin revenue as well as total revenue relative to active vessels that do not possess ADW permits. This result is to be expected since only vessels that harvest dolphin north of 39° N. latitude and have other federal commercial permits are allowed to do so without an ADW permit and those vessels are limited to

200 lbs (ww) per trip. An important difference between permitted and non-permitted vessels that harvest Atlantic dolphin is that the former earn much higher revenue from other fisheries and thus total revenue as well. Specifically, average total revenue for active permitted vessels was almost \$82,400 per year while active non-permitted vessels only earned \$35,350 on average per year from 2015-2019.

**Table 3.3.1.6.** Landings and revenue for permitted vessels harvesting Atlantic dolphin by year, 2015-2019 (2019\$).

Year	Number of Vessels	Dolphin Landings (ww)	Dolphin Revenue	Wahoo Revenue	Other Revenue	Total Revenue
2015	545	1,043,298	\$3,056,399	\$183,379	\$42,539,819	\$45,779,597
2016	592	861,468	\$2,852,750	\$216,760	\$43,060,535	\$46,130,044
2017	582	603,551	\$2,057,978	\$216,472	\$49,861,460	\$52,135,910
2018	546	467,592	\$1,452,769	\$158,560	\$36,706,455	\$38,317,785
2019	544	623,070	\$1,776,769	\$201,485	\$47,087,123	\$49,065,377

Source: ACCSP, pers. comm., data accessed July 23, 2020.

**Table 3.3.1.7.** Landings and revenue for non-permitted and unknown vessels harvesting Atlantic dolphin by year, 2015-2019 (2019\$).\*

Year	Number of Vessels	Dolphin Landings (ww)	Dolphin Revenue	Wahoo Revenue	Other Revenue	Total Revenue
2015	73	58,178	\$180,163	\$26,888	\$2,248,403	\$2,455,454
2016	103	79,227	\$282,254	\$22,388	\$2,844,219	\$3,148,861
2017	83	42,241	\$142,917	\$16,858	\$2,026,438	\$2,186,213
2018	92	43,827	\$146,685	\$15,282	\$3,194,678	\$3,356,646
2019	102	64,489	\$207,358	\$31,798	\$4,832,191	\$5,071,346

Source: ACCSP, pers. comm., data accessed July 23, 2020.

\*Landings by unknown vessels were consolidated and treated as being landed by a single vessel.

Similarly, as illustrated in Table 3.3.1.8 and Table 3.3.1.9, although most vessels (about 89%) that have been active in the commercial sector of the Atlantic wahoo fishery possess ADW permits, some vessels (about 11%) do not. Further, vessels with ADW permits are responsible for about 89% of the revenue from wahoo landings, with non-permitted vessels accounting for the other 11%. Average annual revenue from wahoo landings is nearly identical for active permitted vessels and active vessels that do not possess ADW permits. Given the aforementioned regulations, this finding suggests that wahoo landings represent incidental catch regardless of whether they are harvested by permitted or non-permitted vessels. The main difference between permitted and non-permitted vessels that harvest Atlantic wahoo is that the former earn much higher revenue from other fisheries and thus total revenue as well. Specifically, average total revenue for active permitted vessels was about \$103,000 per year while active non-permitted vessels only earned about \$41,300 on average per year from 2015-2019.

**Table 3.3.1.8.** Landings and revenue for permitted vessels harvesting Atlantic wahoo by year, 2015-2019 (2019\$).

Year	Number of Vessels	Wahoo Landings (ww)	Wahoo Revenue	Dolphin Revenue	Other Revenue	Total Revenue
2015	323	56,004	\$217,656	\$2,740,423	\$28,579,814	\$31,537,893
2016	305	60,163	\$245,133	\$2,453,131	\$26,571,225	\$29,269,489
2017	260	61,944	\$249,806	\$1,678,364	\$30,314,428	\$32,242,598
2018	248	45,528	\$181,716	\$1,165,814	\$19,617,131	\$20,964,662
2019	252	57,555	\$223,837	\$1,561,600	\$26,763,923	\$28,549,360

Source: ACCSP, pers. comm., data accessed July 23, 2020.

**Table 3.3.1.9.** Landings and revenue for non-permitted and unknown vessels harvesting Atlantic wahoo by year, 2015-2019 (2019\$).\*

Year	Number of Vessels	Wahoo Landings (ww)	Wahoo Revenue	Dolphin Revenue	Other Revenue	Total Revenue
2015	47	8,451	\$33,189	\$158,726	\$1,675,759	\$1,867,674
2016	44	6,705	\$27,369	\$205,320	\$721,293	\$953,982
2017	28	6,050	\$26,159	\$116,019	\$1,185,139	\$1,327,317
2018	25	4,837	\$18,622	\$115,215	\$1,157,398	\$1,291,235
2019	40	10,584	\$39,059	\$159,273	\$1,640,428	\$1,838,759

Source: ACCSP, pers. comm., data accessed July 23, 2020.

\*Landings by unknown vessels were consolidated and treated as being landed by a single vessel.

The information in Table 3.3.1.10 describes the landings and revenue for vessels that harvested Atlantic golden crab in each year from 2015 through 2019, as well as their revenue from other species. Vessel participation has been steadily decreasing from 2015-2019, with the number of active vessels being about 56% less in 2019 relative to 2015. Total landings and revenue from golden crab in turn declined 62% and 64% respectively in 2019 relative to 2015. No reported other landings from other fisheries were associated with golden crab vessels from 2018-2019, likely due to the specialized gear utilized by golden crab fishers and vessels exiting the fishery overall.



**Table 3.3.1.10.** Landings and revenue for vessels harvesting Atlantic golden crab by year, 2015-2019 (2019\$).

Year	Number of Vessels	Golden Crab Landings (ww)	Golden Crab Revenue	Other Revenue	Total Revenue
2015	9	760,501	\$2,772,016	\$328,062	\$3,100,078
2016	7	684,801	\$2,708,934	\$157,774	\$2,866,708
2017	7	609,533	\$2,280,313	\$811,970	\$3,092,283
2018	5	343,909	\$1,219,557	0	\$1,219,557
2019	4	285,742	\$1,219,557	0	\$1,219,557

Source: ACCSP, pers. comm., data accessed Jan 24, 2022.  
No reported other landings for 2018-2019.

The information in **Table 3.3.1.11** describes the landings and revenue for vessels that harvested Atlantic snapper grouper in each year from 2015 through 2019, as well as their revenue from snapper grouper and other species. Vessel participation has fluctuated slightly from 2015-2019 with a 3% decline in 2016 relative to 2015, but a 4% increase in participation in 2017 relative to 2016. Annual total revenue from snapper grouper declined by 7% in 2019 relative to 2015. Other landings only made up between 7-11% of the total revenue for snapper grouper vessels, and were variable across the time period.

**Table 3.3.1.11.** Landings and revenue for vessels harvesting Atlantic snapper grouper by year, 2015-2019 (2019\$).

Year	Number of Vessels	Snapper Grouper Landings (ww)	Snapper Grouper Revenue	Other Revenue	Total Revenue
2015	367	3,529,070	\$12,793,506	\$970,928	\$13,764,434
2016	357	3,263,890	\$12,317,349	\$1,205,561	\$13,522,910
2017	373	3,211,642	\$12,495,068	\$1,471,798	\$13,966,866
2018	369	2,950,776	\$11,360,225	\$1,052,455	\$12,412,680
2019	373	3,085,758	\$11,878,719	\$977,827	\$12,856,546

Source: Southeast Fisheries Science Center (SEFSC) Social Science Research Group (SSRG) Socioeconomic Panel (Jan 2022 version)

### **Foreign Trade**

Imports of seafood products compete in the domestic seafood market and have in fact dominated many segments of the seafood market. Imports aid in determining the price for domestic seafood products and tend to set the price in the market segments in which they dominate. Seafood imports can have downstream effects on the local fish market. At the harvest level, imports can affect the returns to fishermen through the ex-vessel prices they receive for their landings. As substitutes to domestic production, imports tend to cushion the adverse economic effects on consumers resulting from a reduction in domestic landings.

## Dolphin and Wahoo

According to NMFS' foreign trade data,<sup>2</sup> dolphin are not exported from the U.S. to other countries. Also, imports and exports of wahoo are not tracked at the individual species level, though it is highly unlikely that any domestic landings of wahoo are exported. Thus, the following describes the imports of dolphin products which directly compete with domestic harvest of dolphin. All monetary estimates are in 2019 dollars.

As shown in Table 3.3.1.12, total imports of dolphin in volume were highly unstable from 2015 through 2019. Total imports were approximately 57.6 million pounds (mp) product weight (pw) in 2015 and at a similar level in 2018, but fell significantly (by almost 30% relative to 2018) in 2019 to only 40.4 mp pw in 2019. Revenue from dolphin imports followed a somewhat different pattern. Specifically, revenue from dolphin imports was \$223.8 million in 2015, but increased to over \$255 million in 2017 and almost \$270 million (an all-time record) in 2018. However, as with volume, dolphin import revenue fell significantly in 2019 to only around \$147 million, a decrease of more than 45% compared to 2018.

With respect to these imports country of origin, Peru has been the primary source of dolphin imports to the U.S., representing about 31% of the import market from 2015-2019. Ecuador and Taiwan have also controlled significant shares in the dolphin import market during this time, accounting for 25% and 18% of the market, respectively. Together, these countries controlled almost 75% of the dolphin import market from 2015-2019. However, their share of the market did decline during this time, falling from almost 82% in 2016 to only around 70% from 2017 through 2019, as other countries such as Vietnam, Panama, and Costa Rica, increased their imports and share of the import market to the U.S. Also, the decline in Peru's market share in combination with the increase in Ecuador's market share also largely led to the shift in product form from frozen fillets to fresh whole product.

**Table 3.3.1.12.** Annual pounds and value of dolphin imports and share of imports by country, 2015-2019.

	2015	2016	2017	2018	2019
Pounds of dolphin imports (product weight, million pounds)	57.6	47.2	50.4	57.1	40.4
Value of dolphin imports (millions \$, 2019\$)	\$223.8	\$211.7	\$255.3	\$269.8	\$147.1
Average price per lb (2019\$)	\$3.89	\$4.49	\$5.07	\$4.72	\$3.64
<b>Share of Imports by Country</b>					
Peru	33.4	35.3	27.2	34.8	24.4
Ecuador	29.5	21.3	17.4	25.2	31.5
Taiwan	17.6	25.2	26.0	8.9	13.6
All Others	19.5	18.2	29.4	31.1	30.5

Source: Pounds of Dolphin Imports (GOM Data Management, pers. comm., Nov. 3, 2020). Values and market share by country (Office of Science and Technology, pers. comm., Nov. 3, 2020).

<sup>2</sup> <https://foss.nmfs.noaa.gov/>

## Golden Crab

According to NMFS' foreign trade data,<sup>3</sup> golden crab are not exported from the U.S. to other countries. Also, imports of golden crab do not exist, as this is a regional species native to the U.S. Gulf of Mexico and South Atlantic territorial waters.

## Snappers

According to NMFS' foreign trade data,<sup>4</sup> snapper are not exported from the U.S. to other countries. Thus, the following describes the imports of snapper products which directly compete with domestic harvest of snapper species. All monetary estimates are in 2019 dollars. As shown in Table 3.3.1.13, imports of snapper products totaled 17.4 million lbs product weight (pw) in 2015. They peaked at 20.4 million lbs pw in 2016 and have increased by 15% in 2019, relative to 2015. Total revenue from snapper imports increased from \$120.2 million (2019 dollars) in 2015 to a five-year high of \$144.1 million in 2019. Imports of snapper primarily originated in Mexico or Central America and entered the U.S. through the port of Miami.

**Table 3.3.1.13.** Annual pounds and value of snapper imports and share of imports by country, 2015-2019.

	2015	2016	2017	2018	2019
Pounds of Snapper imports (product weight, million pounds)	17.4	20.4	20.0	19.4	20.0
Value of snapper imports (millions \$, 2019\$)	\$120.20	\$136.06	\$129.97	\$133.68	\$144.08
Average price per lb (2019\$)	\$6.89	\$6.67	\$6.51	\$6.89	\$7.19
<b>Share of Imports by Country</b>					
Mexico	22.3	24.4	27.7	24.6	27.6
Panama	20.7	23.9	20.0	21.4	20.0
Brazil	15.7	11.4	11.8	13.0	11.1
All Others	41.3	40.3	40.4	41.0	41.4

Source: NOAA Foreign Trade Query Tool, accessed 01/14/22.

## Groupers

According to NMFS' foreign trade data,<sup>5</sup> grouper are not exported from the U.S. to other countries. As shown in Table 3.3.1.14 imports of grouper products totaled 5.4 million lbs pw in 2015. They increased to 7.7 million lbs pw in 2018. Total revenue from fresh grouper imports increased from \$51.0 million (2019 dollars) in 2015 to a five-year high of \$60.1 million in 2018. Imports of fresh grouper primarily originated in Mexico or Central America and entered the U.S. through the ports of Tampa and Miami.

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<sup>3</sup> <https://foss.nmfs.noaa.gov/>

<sup>4</sup> <https://foss.nmfs.noaa.gov/>

<sup>5</sup> <https://foss.nmfs.noaa.gov/>

**Table 3.3.1.14.** Annual pounds and value of grouper imports and share of imports by country, 2015-2019.

	2015	2016	2017	2018	2019
Pounds of Grouper imports (product weight, million pounds)	5.4	5.6	6.2	7.7	6.7
Value of Grouper imports (millions \$, 2019\$)	\$50.99	\$51.77	\$54.74	\$60.07	\$54.81
Average price per lb (2019\$)	\$9.42	\$9.30	\$8.81	\$7.79	\$8.16
<b>Share of Imports by Country</b>					
Mexico	63.2	63.2	57.6	63.7	63.0
Panama	15.1	11.9	10.9	6.6	6.2
Brazil	2.4	4.9	9.3	12.0	13.3
All Others	19.2	20.1	22.2	17.8	17.5

Source: NOAA Foreign Trade Query Tool, accessed 01/14/22.

### **Economic Impacts**

The commercial harvest and subsequent sales and consumption of fish generates business activity as fishermen expend funds to harvest the fish and consumers spend money on goods and services, such as red grouper purchased at a local fish market and served during restaurant visits. These expenditures spur additional business activity in the region(s) where the harvest and purchases are made, such as jobs in local fish markets, grocers, restaurants, and fishing supply establishments. In the absence of the availability of a given species for purchase, consumers would spend their money on substitute goods and services. As a result, the analysis presented below represents a distributional analysis only; that is, it only shows how economic impacts may be distributed through regional markets and should not be interpreted to represent the impacts if these species are not available for harvest or purchase.

In addition to these types of impacts, economic impact models can be used to determine the sources of the impacts. Each impact can be broken down into direct, indirect, and induced economic impacts. “Direct” economic impacts are the results of the money initially spent in the study area (e.g., country, region, state, or community) by the fishery or industry being studied. This includes money spent to pay for labor, supplies, raw materials, and operating expenses. The direct economic impacts from the initial spending create additional activity in the local economy, i.e., “indirect” economic impacts. Indirect economic impacts are the results of business-to-business transactions indirectly caused by the direct impacts. For example, businesses initially benefiting from the direct impacts will subsequently increase spending at other local businesses. The indirect economic impact is a measure of this increase in business-to-business activity, excluding the initial round of spending which is included in the estimate of direct impacts.

“Induced” economic impacts are the results of increased personal income caused by the direct and indirect economic impacts. For example, businesses experiencing increased revenue from the direct and indirect impacts will subsequently increase spending on labor by hiring more employees, increasing work hours, raising salaries/wage rates, etc. In turn, households will increase spending at local businesses. The induced impact is a measure of this increase in household-to-business activity.

Estimates of the U.S. average annual business activity associated with the commercial harvest of Atlantic dolphin-wahoo, golden crab, and snapper grouper were derived using the model developed for and applied in NMFS (2018)<sup>6</sup> and are provided in Tables 3.3.1.15 to 3.3.1.18 respectively. Specifically, these impact estimates reflect the expected impacts from average annual gross revenues generated by landings of Atlantic dolphin-wahoo, golden crab, and snapper grouper from 2015 through 2019. This business activity is characterized as jobs (full time equivalents), income impacts (wages, salaries, and self-employed income), value-added impacts (the difference between the value of goods and the cost of materials or supplies), and output impacts (gross business sales). Income impacts should not be added to output (sales) impacts because this would result in double counting.

The results provided should be interpreted with caution and demonstrate the limitations of these types of assessments. These results are based on average relationships developed through the analysis of many fishing operations that harvest many different species. Separate models specific to individual species such as dolphin and wahoo are not available. For example, economic impacts for dolphin and wahoo were estimated using the model for HMS as they are most often co-harvested with those species.

Between 2015 and 2019, landings of Atlantic dolphin resulted in approximately \$2.43 million (2019\$) in gross revenue on average. In turn, this revenue generated employment, income, value-added, and output impacts of 304 jobs, \$8.8 million, \$12.5 million, and \$24.2 million per year, respectively, on average. Between 2015 and 2019, landings of Atlantic wahoo resulted in approximately \$252,500 (2019\$) in gross revenue on average. In turn, this revenue generated employment, income, value-added, and output impacts of 32 jobs, \$.9 million, \$1.3 million, and \$2.5 million per year, respectively, on average. Between 2015 and 2019, landings of Atlantic golden crab resulted in approximately \$2.09 million (2019\$) in gross revenue on average. In turn, this revenue generated employment, income, value-added, and output impacts of 270 jobs, \$.8 million, \$1.1 million, and \$20.9 million per year, respectively, on average. Between 2015 and 2019, landings of Atlantic snapper grouper resulted in approximately \$2.09 million (2019\$) in gross revenue on average. In turn, this revenue generated employment, income, value-added, and output impacts of 1511 jobs, \$43.7 million, \$61.8 million, and \$119.1 million per year, respectively, on average (Tables 3.3.1.15 – 3.3.1.18).

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<sup>6</sup> A detailed description of the input/output model is provided in NMFS (2018).

**Table 3.3.1.15.** Average annual economic impacts in the commercial sector of the Atlantic dolphin fishery. All monetary estimates are in thousands of 2019 dollars and employment is measured in full-time equivalent jobs.

<b>Harvesters</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	51	9	11	71
Income impacts	1,256	260	587	2,104
Total value-added impacts	1,339	927	1,007	3,273
Output Impacts	2,431	2,051	1,951	6,433
<b>Primary dealers/processors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	11	4	8	23
Income impacts	428	395	373	1,196
Total value-added impacts	457	504	703	1,663
Output impacts	1,378	1,038	1,374	3,791
<b>Secondary wholesalers/distributors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	5	1	5	11
Income impacts	255	76	268	599
Total value-added impacts	272	127	458	858
Output impacts	683	249	891	1,824
<b>Grocers</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	22	3	5	29
Income impacts	525	174	263	963
Total value-added impacts	559	281	446	1,286
Output impacts	897	456	876	2,229
<b>Restaurants</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	138	9	22	169
Income impacts	2,105	639	1,206	3,950
Total value-added impacts	2,244	1,141	2,032	5,418
Output impacts	4,104	1,786	4,010	9,899
<b>Harvesters and seafood industry</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	227	26	51	304
Income impacts	4,570	1,544	2,699	8,813
Total value-added impacts	4,872	2,981	4,646	12,498
Output impacts	9,494	5,581	9,102	24,176

**Table 3.3.1.16.** Average annual economic impacts in the commercial sector of the Atlantic wahoo fishery. All monetary estimates are in thousands of 2019 dollars and employment is measured in full-time equivalent jobs.

<b>Harvesters</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	5	1	1	7
Income impacts	130	27	61	218
Total value-added impacts	139	96	104	340
Output Impacts	252	213	202	667
<b>Primary dealers/processors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	1	0	1	2
Income impacts	44	41	39	124
Total value-added impacts	47	52	73	173
Output impacts	143	108	143	393
<b>Secondary wholesalers/distributors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	1	0	1	1
Income impacts	26	8	28	62
Total value-added impacts	28	13	48	89
Output impacts	71	26	92	189
<b>Grocers</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	2	0	1	3
Income impacts	54	18	27	100
Total value-added impacts	58	29	46	133
Output impacts	93	47	91	231
<b>Restaurants</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	14	1	2	18
Income impacts	218	66	125	410
Total value-added impacts	233	118	211	562
Output impacts	426	185	416	1,027
<b>Harvesters and seafood industry</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	24	3	5	32
Income impacts	474	160	280	914
Total value-added impacts	505	309	482	1,297
Output impacts	985	579	944	2,508

**Table 3.3.1.17.** Average annual economic impacts in the commercial sector of the Atlantic Golden Crab fishery. All monetary estimates are in thousands of 2019 dollars and employment is measured in full-time equivalent jobs.

<b>Harvesters</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	51	8	10	69
Income impacts	1,249	192	564	2,005
Total value-added impacts	1,332	811	962	3,104
Output Impacts	2,096	1,623	1,873	5,591
<b>Primary dealers/processors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	10	4	7	20
Income impacts	369	340	322	1,031
Total value-added impacts	394	434	606	1,433
Output impacts	1,188	895	1,184	3,267
<b>Secondary wholesalers/distributors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	5	1	5	11
Income impacts	255	76	268	599
Total value-added impacts	272	127	458	858
Output impacts	683	249	891	1,824
<b>Grocers</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	4	1	4	10
Income impacts	220	65	231	516
Total value-added impacts	234	110	395	739
Output impacts	589	215	768	1,571
<b>Restaurants</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	119	8	19	146
Income impacts	1,815	550	1,040	3,405
Total value-added impacts	1,934	984	1,751	4,670
Output impacts	3,537	1,540	3,456	8,533
<b>Harvesters and seafood industry</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	202	22	45	270
Income impacts	4,106	1,298	2,383	7,787
Total value-added impacts	4,376	2,581	4,098	11,055
Output impacts	8,183	4,666	8,036	20,884



**Table 3.3.1.18.** Average annual economic impacts in the commercial sector of the Atlantic Snapper Grouper fishery. All monetary estimates are in thousands of 2019 dollars and employment is measured in full-time equivalent jobs.

<b>Harvesters</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	264	41	54	359
Income impacts	6,486	1,204	2,912	10,602
Total value-added impacts	6,914	4,335	4,982	16,231
Output Impacts	12,013	9,773	9,672	31,458
<b>Primary dealers/processors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	55	22	38	115
Income impacts	2,116	1,950	1,845	5,911
Total value-added impacts	2,256	2,488	3,473	8,217
Output impacts	6,811	5,130	6,788	18,730
<b>Secondary wholesalers/distributors</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	25	6	25	56
Income impacts	1,261	375	1,326	2,962
Total value-added impacts	1,344	629	2,265	4,238
Output impacts	3,377	1,231	4,405	9,013
<b>Grocers</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	109	12	24	146
Income impacts	2,593	862	1,302	4,757
Total value-added impacts	2,764	1,389	2,204	6,357
Output impacts	4,432	2,255	4,326	11,014
<b>Restaurants</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	680	45	111	836
Income impacts	10,403	3,155	5,959	19,517
Total value-added impacts	11,089	5,640	10,040	26,769
Output impacts	20,277	8,825	19,812	48,914
<b>Harvesters and seafood industry</b>	<b>Direct</b>	<b>Indirect</b>	<b>Induced</b>	<b>Total</b>
Employment impacts	1,133	126	252	1,511
Income impacts	22,859	7,546	13,343	43,748
Total value-added impacts	24,367	14,481	22,964	61,811
Output impacts	46,910	27,216	45,003	119,129

### 3.3.2. Recreational Sector

#### Landings

Recreational dolphin landings peaked in 2015 and declined in subsequent years (Table 3.3.2.1). Landings after 2015 were somewhat variable with no discernible trend through 2019. The distribution of landings between modes was relatively stable during this time. Private vessels accounted for the majority of dolphin landings on average from 2015 through 2019, followed by charter vessels. Headboats were responsible for a very small percentage of the landings with no recorded landings from shore.

**Table 3.3.2.1.** Recreational landings (lbs ww) and percent distribution of dolphin across all states by mode for 2015-2019.

	Landings (pounds ww)				Percent Distribution		
Year	Charter vessel	Headboat	Private	Total	Charter vessel	Headb oat	Private
2015	3,554,584	28,018	21,793,379	25,375,982	14.0%	0.1%	85.9%
2016	2,688,390	37,653	13,271,300	15,997,343	16.8%	0.2%	83.0%
2017	2,234,758	16,256	10,398,839	12,649,853	17.7%	0.1%	82.2%
2018	2,025,282	19,048	14,760,669	16,805,000	12.1%	0.1%	87.8%
2019	2,593,634	10,652	9,325,011	11,929,298	21.7%	0.1%	78.2%
<b>AVG</b>	<b>2,619,330</b>	<b>22,325</b>	<b>13,909,840</b>	<b>16,551,495</b>	<b>15.8%</b>	<b>0.1%</b>	<b>84.0%</b>

Source: SEFSC Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) recreational ACL dataset (1/2/2020).

Recreational wahoo landings were very unstable from 2015 through 2019 (Table 3.3.2.2). Landings were at their highest in 2016, but declined significantly in 2017 and particularly 2018, with a slight rebound in 2019. Private vessels accounted for the majority of wahoo landings on average from 2015 through 2019, followed by charter vessels. Headboats were responsible for a very small percentage of the landings with no recorded landings from shore. Although landings declined in all modes in 2017 and 2018, most of the decline was due to lower landings by private vessels, particularly in 2018. As a result, charter vessels made up a greater percentage of the landings in 2018 and, to a lesser degree, in 2019.

**Table 3.3.2.2.** Recreational landings (lbs ww) and percent distribution of wahoo across all states by mode for 2015-2019.

	Landings (pounds ww)				Percent Distribution		
Year	Charter vessel	Headboat	Private	Total	Charter vessel	Headboat	Private
2015	460,621	5,297	2,477,091	2,943,009	15.7%	0.2%	84.2%
2016	513,786	5,502	4,484,157	5,003,444	10.3%	0.1%	89.6%
2017	317,505	2,748	3,265,538	3,585,791	8.9%	0.1%	91.1%
2018	265,529	913	614,518	880,960	30.1%	0.1%	69.8%
2019	369,450	3,131	1,638,234	2,010,815	18.4%	0.2%	81.5%
<b>AVG</b>	<b>385,378</b>	<b>3,518</b>	<b>2,495,908</b>	<b>2,884,804</b>	<b>13.4%</b>	<b>0.1%</b>	<b>86.5%</b>

Source: SEFSC MRIP FES recreational ACL dataset (1/2/2020).

Recreational snapper grouper landings peaked in 2017 and declined in subsequent years (Table 3.3.2.3). Landings after 2015 do not appear to have a discernable trend, other than there was a significant reduction in private mode landings in 2017 compared to other years in the series. The distribution of landings between modes was relatively stable during this time. Shore mode accounted for the majority of snapper grouper landings on average from 2015 through 2019, followed by private vessels. Headboats and charter boats only comprised 4% and 5% of the total average snapper grouper landings from 2015-2019.

**Table 3.3.2.3.** Recreational landings (lbs ww) and percent distribution of snapper-grouper across all states by mode for 2015-2019.

Year	Landings (pounds ww)				Total	Percent Distribution			
	Charter vessel	Headboat	Private	Shore		Charter vessel	Headboat	Private	Shore
2015	1,403,104	1,210,908	9,841,883	11,780,771	24,236,665	6%	5%	41%	49%
2016	995,317	1,201,081	13,107,266	14,752,396	30,056,059	3%	4%	44%	49%
2017	1,562,589	965,389	9,760,052	20,954,046	33,242,075	5%	3%	29%	63%
2018	990,464	885,043	16,432,161	12,277,129	30,584,796	3%	3%	54%	40%
2019	1,534,216	841,272	11,071,267	7,916,530	21,363,285	7%	4%	52%	37%
<b>AVG</b>	<b>1,297,138</b>	<b>1,020,738</b>	<b>12,042,526</b>	<b>13,536,174</b>	<b>27,896,576</b>	<b>5%</b>	<b>4%</b>	<b>44%</b>	<b>48%</b>

Source: SEFSC MRIP FES recreational ACL dataset (Jan 2022).

### Permits

#### **For-Hire Permits**

There are no specific federal permitting requirements for recreational anglers to fish for or harvest dolphin or wahoo. The same is true of private recreational vessel owners. Instead, private anglers are required to possess either a state recreational fishing permit that authorizes saltwater fishing in general, or be registered in the federal National Saltwater Angler Registry system, subject to appropriate exemptions. As a result, it is not possible to identify with available data how many individual anglers or private recreational vessels would be expected to be affected by the actions in this amendment.

A federal charter/headboat (for-hire) vessel permit is required for fishing in federal waters for Atlantic dolphin and wahoo. For-hire Atlantic dolphin and wahoo permits (CDW) are open access permits (i.e., access is not restricted). From 2015-2019, the number of CDW permits that were valid in a given year has continually increased, increasing by more than 21% over this time, as illustrated in Table 3.3.2.4.

A federal charter/headboat (for-hire) vessel permit is also required for fishing in federal waters for Atlantic snapper grouper. For-hire Atlantic Snapper Grouper permits (SG) are open access permits (i.e., access is not restricted). From 2015-2019, the number of SG permits that were valid in a given year has continually increased, increasing by more than 18% over this time, as illustrated in Table 3.3.2.5.

**Table 3.3.2.4.** Number of valid CDW permits, 2015-2019.

Year	Number of Permits
2015	1,943
2016	2,029
2017	2,150
2018	2,300
2019	2,360

Source: NMFS SERO SF Access Permits Database.

**Table 3.3.2.5.** Number of valid SG permits, 2015-2019.

<b>Year</b>	<b>Number of Permits</b>
2015	1,779
2016	1,867
2017	1,982
2018	2,126
2019	2,183

Source: NMFS SERO SF Access Permits Database.

Although the permit application collects information on the primary method of operation, the permit itself does not identify the permitted vessel as either a headboat or a charter vessel and vessels may operate in both capacities. However, if a vessel meets the selection criteria used by the SRHS and is selected to report by the Science Research Director of the SEFSC, it is determined to operate primarily as a headboat and is required to submit harvest and effort information to the SRHS.

Souza and Liese (2019) estimate that approximately 10% of all permitted Southeast (Gulf of Mexico and South Atlantic) for-hire vessels determined to be headboats were not actively fishing in 2017.<sup>7</sup> Further, of those that were active, 14% were not active in offshore waters. Thus, approximately 23% of the permitted Southeast headboats were likely not active in the EEZ.

Based on the information in Table 3.3.2.6, the number of federally permitted South Atlantic headboats in the SRHS that harvested dolphin varied somewhat from 2015-2019 (K. Fitzpatrick, NMFS SEFSC, pers. comm.), ranging from a high of 60 in 2016 to a low of 36 in 2019 and averaging 50 during this time. The trend in the number of active headboats is consistent with the trend in headboat landings of dolphin as illustrated in Table 3.3.2.1.

The number of federally permitted South Atlantic headboats in the SRHS that harvested wahoo also varied somewhat from 2015-2019 (K. Fitzpatrick, NMFS SEFSC, pers. comm.) and generally declined during this time, ranging from a high of 26 in 2015 to a low of 13 in 2018 and averaging 19 during this time. The trend in the number of active headboats is generally consistent with the trend in headboat landings of wahoo as illustrated in Table 3.3.2.2.

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<sup>7</sup> Sample sizes were too small to generate reliable estimates for Gulf and South Atlantic headboats separately. Also, Souza and Liese's estimates were not specific to particular fisheries such as dolphin wahoo.

**Table 3.3.2.6.** Number of South Atlantic headboats harvesting dolphin and wahoo, 2015-2019.

<b>Year</b>	<b>Number of Dolphin Headboats</b>	<b>Number of Wahoo Headboats</b>
2015	55	26
2016	60	22
2017	48	17
2018	50	13
2019	36	16
Average	50	19

Source: K. Fitzpatrick, NMFS SEFSC, pers. comm.

Although the for-hire permit application collects information on the primary method of operation, the permit itself does not identify the permitted vessel as either a headboat or a charter vessel and vessels may operate in both capacities. However, only federally permitted headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (SRHS).<sup>8</sup> Participation in the SRHS is based on determination by the SEFSC that the vessel primarily operates as a headboat. As of March 9, 2021, 64 South Atlantic headboats were registered in the SRHS. The majority of these headboats were located in Florida (37 east coast), followed by North Carolina (14), South Carolina (11), and Georgia (2).

### **Angler Effort**

Recreational effort derived from the MRIP database can be characterized in terms of the number of trips as follows:

- Target effort - The number of individual angler trips, regardless of duration, where the intercepted angler indicated that the species or a species in the species group was targeted as either the first or the second primary target for the trip. The species did not have to be caught.
- Catch effort - The number of individual angler trips, regardless of duration and target intent, where the individual species or a species in the species group was caught. The fish did not have to be kept.
- Total recreational trips - The total estimated number of recreational trips in the Gulf, regardless of target intent or catch success.

As shown in Table 3.3.2.7, private vessels represent more than 98% of target effort in the recreational sector. The vast majority of target effort by charter vessels occurs in North Carolina and Florida, while most target effort by private vessels occurs in Florida. Private vessels in Florida are responsible for more than 78% of total target effort for dolphin.

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<sup>8</sup> All federal charter/headboat permit holders, including charter vessel owners or operators, are required to comply with the new Southeast For-Hire Electronic Reporting Program as of January 5, 2021. Under this program, all such permit holders must declare trips prior to departure and submit electronic fishing reports prior to offloading fish, or within 30 minutes after the end of a trip, if no fish are landed. Those vessels selected to report to the SRHS (i.e., federally permitted headboats) will continue to submit their reports under the new requirements directly to the SRHS program. For more information, see: [https://www.fisheries.noaa.gov/southeast/recreational-fishing-data/southeast-hire-electronic-reporting-program?utm\\_medium=email&utm\\_source=govdelivery](https://www.fisheries.noaa.gov/southeast/recreational-fishing-data/southeast-hire-electronic-reporting-program?utm_medium=email&utm_source=govdelivery)

As illustrated by Table 3.3.2.7, the trends in target effort for dolphin from 2015-2019 differ somewhat from the trend in recreational landings. As with charter landings, target effort by charter vessels was also relatively stable during this time, though it did peak in 2015 and dropped off slightly thereafter. The trend in private vessel effort differs from the trend in private vessel landings. For example, there was not a noticeable peak in target effort by private vessels in 2015 as with landings, nor was there a noticeable decline in target effort in 2016. Target effort was relatively stable from 2015-2018 and peaked in 2018. However, as with landings, a significant decline occurred in target effort by private vessels in 2019, and this decline was seen across all states/regions, with the exception of South Carolina.

As shown in Table 3.3.2.8, although private vessels are also responsible for the vast majority of catch effort for dolphin (90%), catch effort by charter vessels represents about 10% of the total catch effort. Similarly, private vessels in Florida account for the majority of catch effort for dolphin (59%). However, relatively significant amounts of catch effort also occur in North Carolina and the Mid-Atlantic region. As expected, the trends in catch effort mimic the trends in landings, with a noticeable peak occurring in 2015, declines thereafter, and a significant decline in 2019. The significant decline in 2019 was most noticeable for private vessels in Florida.

**Table 3.3.2.7. Dolphin recreational target trips, by mode and state/region, 2015-2019.**

<b>Mode</b>	<b>Year</b>	<b>EFL</b>	<b>GA</b>	<b>MA*</b>	<b>NE**</b>	<b>NC</b>	<b>SC</b>	<b>Total</b>
<b>Shore</b>	2015	0	0	0	0	1,672	0	1,672
	2016	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2019	0	0	0	0	2,399	0	2,399
	Average	0	0	0	0	814	0	814
<b>Charter</b>	2015	15,711	44	5,167	0	11,502	7,080	39,504
	2016	9,773	0	1,696	0	21,092	2,718	35,279
	2017	20,915	0	82	0	8,826	1,465	31,288
	2018	12,414	0	789	0	18,282	108	31,593
	2019	9,432	0	2,997	0	20,501	0	32,930
	Average	13,649	9	2,146	0	16,041	2,274	34,119
<b>Private</b>	2015	1,372,503	0	150,821	9,884	193,319	10,211	1,736,738
	2016	1,191,263	0	172,271	1,387	165,699	15,155	1,545,775
	2017	1,458,030	0	46,009	2,166	114,547	116,061	1,736,813
	2018	1,494,387	0	117,625	3,291	165,782	73,207	1,854,292
	2019	899,456	0	77,288	0	98,753	70,876	1,146,373
	Average	1,283,128	0	112,803	3,346	147,620	57,102	1,603,998
<b>All</b>	2015	1,388,214	44	155,988	9,884	206,493	17,291	1,777,913
	2016	1,201,036	0	174,007	1,387	186,790	17,874	1,581,094
	2017	1,478,945	0	46,091	2,166	123,373	117,526	1,768,101
	2018	1,506,801	0	118,414	3,291	184,064	73,315	1,885,884
	2019	908,888	0	80,285	9,884	121,653	70,876	1,181,702
	Average	1,296,777	9	114,957	4,182	164,475	59,376	1,638,939

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

\*MA represents the Mid-Atlantic states of Virginia, Maryland, Delaware, New Jersey, and New York. Total target trips for the MA in 2016 include 40 trips by party boats.

\*\*NE represents the New England states of Connecticut, Rhode Island, and Massachusetts.

**Table 3.3.2.8.** Dolphin recreational catch trips, by mode and state/region, 2015-2019.

Mode	Year	EFL	GA	MA*	NE**	NC	SC	Total
<b>Charter</b>	2015	41,874	268	8,141	0	46,496	12,535	109,314
	2016	26,236	66	9,505	0	41,853	2,718	80,378
	2017	22,654	47	1,024	0	38,937	0	62,662
	2018	23,096	0	10,161	0	43,752	108	77,117
	2019	22,688	33	6,974	0	44,560	0	74,255
	Average	27,310	83	7,161	0	43,120	3,072	80,745
<b>Private</b>	2015	648,152	0	127,021	8,666	157,014	2,016	942,869
	2016	478,229	0	131,599	1,612	130,932	26,861	769,233
	2017	494,391	1,308	91,852	3,264	67,975	65,287	724,077
	2018	490,081	0	100,526	3,751	78,437	60,376	733,171
	2019	255,001	0	74,423	0	65,220	43,771	438,415
	Average	473,171	262	105,084	3,459	99,916	39,662	721,553
<b>All</b>	2015	690,026	268	135,162	8,666	203,510	14,551	1,052,183
	2016	504,465	66	141,295	1,612	172,785	29,579	849,802
	2017	517,045	1,355	92,878	3,264	106,912	65,287	786,741
	2018	513,177	0	110,687	3,751	122,189	60,484	810,288
	2019	277,689	33	81,401	0	109,780	43,771	512,674
	Average	500,480	344.4	112,285	3,459	143,035	42,734	802,338

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

\*MA represents the Mid-Atlantic states of Virginia, Maryland, Delaware, New Jersey, and New York. Total catch trips includes 191 trips, 2 trips, and 4 trips by party boats in 2016, 2017, and 2019, respectively.

\*\*NE represents the New England states of Connecticut, Rhode Island, and Massachusetts.

Similar to dolphin, private vessels represent the vast majority of target effort for wahoo (97%) as illustrated by Table 3.3.2.9. Further, private vessels in Florida account for more than 71% of total target effort for wahoo. As with dolphin, the trends in target effort for wahoo do not mimic the trends in landings from 2015-2019. Unlike landings, which peaked in 2016, declined significantly in 2018, and then increased somewhat in 2019, target effort for wahoo was at its highest level in 2018, and then declined significantly in 2019.

As with dolphin, the charter component accounts for a larger percentage of catch effort for wahoo (18%) compared to target effort as illustrated by Table 3.3.2.10. Still, private vessels are responsible for the majority of catch effort for wahoo (82%). Private vessels in Florida represent half of the total catch effort for wahoo, while the combination of charter and private vessels in North Carolina represent about 28% of the total catch effort. The trends in catch effort for wahoo reflect the trends in landings, at least to some extent, peaking in 2016, declining significantly in 2017 and particularly 2018, and then increasing somewhat in 2019. However, the declines in catch effort in 2017 and 2018 were significantly greater than the declines in landings in those years. For e.g., while landings decreased by about 30% from 2016 to 2017, catch effort decreased by almost 64%.



**Table 3.3.2.9.** Wahoo recreational target trips, by mode and state/region, 2015-2019.

<b>Mode</b>	<b>Year</b>	<b>EFL</b>	<b>GA</b>	<b>MA*</b>	<b>NC</b>	<b>SC</b>	<b>Total</b>
<b>Charter</b>	2015	2,877	224	0	6,700	0	9,801
	2016	1,435	0	0	5,744	617	7,796
	2017	3,457	0	0	5,182	0	8,639
	2018	0	0	0	2,892	0	2,892
	2019	925	0	225	6,399	0	7,549
	Average	1,739	45	45	5,383	123	7,335
<b>Private</b>	2015	167,739	0	854	55,377	8,744	232,714
	2016	247,741	0	16,608	43,545	14,127	322,021
	2017	201,943	0	1,043	51,675	39,190	293,851
	2018	272,907	0	5,780	33,900	22,306	334,893
	2019	150,033	8,298	11,394	25,172	45,459	240,356
	Average	208,073	1,660	7,136	41,934	25,965	284,767
<b>All</b>	2015	170,616	224	854	62,077	8,744	242,515
	2016	249,176	0	16,608	49,289	14,744	329,817
	2017	205,400	0	1,043	56,857	39,190	302,490
	2018	272,907	0	5,780	36,792	22,306	337,785
	2019	150,958	8,298	11,619	31,571	45,459	247,905
	Average	209,811	1,704	7,181	47,317	26,089	292,102

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

**Table 3.3.2.10.** Wahoo recreational catch trips, by mode and state/region, 2015-2019.

<b>Mode</b>	<b>Year</b>	<b>EFL</b>	<b>MA*</b>	<b>NC</b>	<b>SC</b>	<b>Total</b>
<b>Charter</b>	2015	10,118	812	18,468	0	29,398
	2016	8,339	56	13,169	2,873	24,437
	2017	1,832	0	15,090	0	16,922
	2018	4,576	112	9,067	0	13,755
	2019	2,390	75	12,766	0	15,231
	Average	5,451	211	13,712	575	19,949
<b>Private</b>	2015	35,580	22,412	29,665	1,815	89,472
	2016	189,762	8,916	36,950	0	235,628
	2017	25,430	38,115	13,564	0	77,109
	2018	11,040	859	4,535	6,811	23,245
	2019	22,631	5,531	4,953	8,206	41,321
	Average	56,889	15,167	17,933	3,366	93,355
<b>All</b>	2015	45,698	23,224	48,133	1,815	118,870
	2016	198,101	8,972	50,119	2,873	260,065
	2017	27,262	38,115	28,654	0	94,031
	2018	15,616	971	13,602	6,811	37,000
	2019	25,021	5,606	17,719	8,206	56,552
	Average	62,340	15,378	31,645	3,941	113,304

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

\*MA represents the Mid-Atlantic states of Virginia, Maryland, Delaware, New Jersey, and New York.

As shown in Tables 3.3.1.11 and 3.3.1.12, across all modes, average target effort for dolphin was the highest in the 4<sup>th</sup> wave (July-August) followed by the 3<sup>rd</sup> wave (May-June). Average target effort by charter vessels was the highest in the 3<sup>rd</sup> wave. Similarly, average catch effort for dolphin was the highest in the 3<sup>rd</sup> wave followed by the 4<sup>th</sup> wave across all modes as well as within the charter and private vessel modes. Average target and catch effort were the lowest in the 1<sup>st</sup> wave (January-February) and the 6<sup>th</sup> wave (November-December) across all modes.

**Table 3.3.2.11. Dolphin target trips by wave and mode, 2015–2019.\***

	<b>1 (Jan-Feb)</b>	<b>2 (Mar-Apr)</b>	<b>3 (May-Jun)</b>	<b>4 (Jul-Aug)</b>	<b>5 (Sep-Oct)</b>	<b>6 (Nov-Dec)</b>	<b>Total</b>
<b>Shore</b>							
2015	0	0	0	0	1,672	0	1,672
2016	0	0	0	0	0	0	0
2017	0	0	0	0	0	0	0
2018	0	0	0	0	0	0	0
2019	0	0	2,399	0	0	0	2,399
Average	0	0	480	0	334	0	814
<b>Charter</b>							
2015	765	4,053	17,844	7,233	4,995	4,615	39,505
2016	1,967	4,168	16,259	8,684	3,774	428	35,280
2017	390	11,508	8,986	6,689	937	2,778	31,288
2018	691	4,230	17,515	5,342	3,147	666	31,591
2019	1,020	3,758	16,862	8,140	2,862	289	32,931
Average	967	5,543	15,493	7,218	3,143	1,755	34,119
<b>Private/Rental</b>							
2015	14,200	202,747	605,924	587,489	229,958	96,422	1,736,740
2016	81,532	106,763	617,810	538,926	90,763	109,983	1,545,777
2017	79,394	179,826	614,135	645,010	96,929	121,519	1,736,813
2018	92,025	249,648	495,371	616,274	315,576	85,400	1,854,294
2019	57,875	87,400	376,360	512,208	68,288	44,241	1,146,372
Average	65,005	165,277	541,920	579,981	160,303	91,513	1,603,999
<b>All</b>							
2015	14,965	206,800	623,768	594,722	236,625	101,037	1,777,917
2016	83,499	110,931	634,069	547,610	94,577	110,411	1,581,097
2017	79,784	191,334	623,121	651,699	97,866	124,297	1,768,101
2018	92,716	253,878	512,886	621,616	318,723	86,066	1,885,885
2019	58,895	91,158	395,621	520,348	71,150	44,530	1,181,702
Average	65,972	170,820	557,893	587,199	163,788	93,268	1,638,940

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>

\* Total target trips in 2016 include 40 trips by party boats.

**Table 3.3.2.12.** Dolphin catch trips by wave and mode, 2015– 2019.\*

	<b>1 (Jan-Feb)</b>	<b>2 (Mar-Apr)</b>	<b>3 (May-Jun)</b>	<b>4 (Jul-Aug)</b>	<b>5 (Sep-Oct)</b>	<b>6 (Nov-Dec)</b>	<b>Total</b>
<b>Charter</b>							
2015	2,117	12,424	35,899	28,979	19,290	10,605	109,314
2016	5,278	15,801	27,595	22,328	8,281	1,096	80,379
2017	878	7,753	27,534	16,339	8,090	2,068	62,662
2018	2,045	3,804	37,202	22,206	10,276	1,583	77,116
2019	950	5,948	36,144	21,945	7,416	1,851	74,254
Average	2,254	9,146	32,875	22,359	10,671	3,441	80,745
<b>Private/Rental</b>							
2015	4,673	98,084	340,995	321,988	148,732	28,397	942,869
2016	30,532	63,299	326,145	277,737	60,695	10,826	769,234
2017	15,543	45,278	276,680	291,599	64,627	30,349	724,076
2018	28,786	75,802	242,570	211,435	152,391	22,188	733,172
2019	9,989	45,996	144,041	196,869	37,364	4,155	438,414
Average	17,905	65,692	266,086	259,926	92,762	19,183	721,553
<b>All</b>							
2015	6,790	110,508	376,894	350,967	168,022	39,002	1,052,183
2016	35,810	79,100	353,740	300,256	68,976	11,922	849,804
2017	16,421	53,031	304,214	307,938	72,719	32,417	786,740
2018	30,831	79,606	279,772	233,641	162,667	23,771	810,288
2019	10,939	51,944	180,185	218,818	44,780	6,006	512,672
Average	20,158	74,838	298,961	282,324	103,433	22,624	802,337

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>

\* Total catch trips includes 191 trips, 2 trips, and 4 trips by party boats in 2016, 2017, and 2019, respectively.

As shown in Tables 3.3.1.13 and 3.3.1.14, across all modes and within the private and charter vessel modes, average target and catch effort for wahoo was the highest in the 4<sup>th</sup> wave (July-August), with effort being considerably lower in all other waves. Average target effort for wahoo was the lowest in the 6<sup>th</sup> wave (November-December) while average catch effort was lowest in the 1<sup>st</sup> wave (January-February).

**Table 3.3.2.13.** Wahoo target trips by wave and mode, 2015–2019.

	<b>1 (Jan-Feb)</b>	<b>2 (Mar-Apr)</b>	<b>3 (May-Jun)</b>	<b>4 (Jul-Aug)</b>	<b>5 (Sep-Oct)</b>	<b>6 (Nov-Dec)</b>	<b>Total</b>
<b>Charter</b>							
2015	279	667	1,677	3,068	3,858	253	9,802
2016	0	522	3,051	2,299	1,706	216	7,794
2017	0	3,426	284	2,753	1,686	490	8,639
2018	0	17	381	1,337	1,098	58	2,891
2019	0	718	1,339	3,901	1,366	225	7,549
Average	56	1,070	1,346	2,672	1,943	248	7,335
<b>Private/Rental</b>							
2015	18,171	9,112	54,487	109,241	40,152	1,551	232,714
2016	41,997	48,454	40,637	80,115	43,040	67,778	322,021
2017	36,678	59,957	96,777	63,590	14,499	22,349	293,850
2018	75,769	39,272	32,929	87,662	72,351	26,911	334,894
2019	77,267	29,477	20,346	68,551	29,822	14,891	240,354
Average	49,976	37,254	49,035	81,832	39,973	26,696	284,767
<b>All</b>							
2015	18,450	9,779	56,164	112,309	44,010	1,804	242,516
2016	41,997	48,976	43,688	82,414	44,746	67,994	329,815
2017	36,678	63,383	97,061	66,343	16,185	22,839	302,489
2018	75,769	39,289	33,310	88,999	73,449	26,969	337,785
2019	77,267	30,195	21,685	72,452	31,188	15,116	247,903
Average	50,032	38,324	50,382	84,503	41,916	26,944	292,102

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>

**Table 3.3.2.14.** Wahoo catch trips by wave and mode, 2015– 2019.

	1 (Jan-Feb)	2 (Mar-Apr)	3 (May-Jun)	4 (Jul-Aug)	5 (Sep-Oct)	6 (Nov-Dec)	Total
<b>Charter</b>							
2015	0	2,569	7,243	12,930	4,568	2,088	29,398
2016	2,832	8,875	3,285	4,308	4,694	444	24,438
2017	0	2,385	596	6,352	6,855	735	16,923
2018	0	891	5,327	3,927	3,453	157	13,755
2019	0	2,026	2,556	5,450	3,932	1,267	15,231
Average	566	3,349	3,801	6,593	4,700	938	19,949
<b>Private/Rental</b>							
2015	5,354	672	23,199	48,583	11,164	500	89,472
2016	14,070	30,803	17,482	106,481	19,561	47,231	235,628
2017	5,203	3,433	2,228	57,322	3,154	5,770	77,110
2018	5,808	5,886	4,056	2,038	888	4,570	23,246
2019	12,868	8,335	527	3,565	9,554	6,471	41,320
Average	8,661	9,826	9,498	43,598	8,864	12,908	93,355
<b>All</b>							
2015	5,354	3,241	30,442	61,513	15,732	2,588	118,870
2016	16,902	39,678	20,767	110,789	24,255	47,675	260,066
2017	5,203	5,818	2,824	63,674	10,009	6,505	94,033
2018	5,808	6,777	9,383	5,965	4,341	4,727	37,001
2019	12,868	10,361	3,083	9,015	13,486	7,738	56,551
Average	9,227	13,175	13,300	50,191	13,565	13,847	113,304

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>

As shown in Table 3.3.1.15, in the snapper grouper recreational fishery, the private/rental component accounts for a larger percentage (63%) of target effort for snappers and groupers on average from 2015-2019. Shore mode fishing accounted for 36% of angler effort, and charter fishing only 1%. Private vessels in Florida represent 54% of the total target effort for snapper grouper on average from 2015-2019. Florida’s private/rental effort had a dramatic spike in effort in 2018, increasing by 181% relative to the average effort from 2015-2017.

Total angler target effort for snapper grouper increased by 23% in 2019, relative to 2015. All modes of fishing saw increases in overall in target effort in 2019 relative to 2015 but each mode experienced high variability in effort over the timeframe.

**Table 3.3.2.15.** Snapper grouper recreational target trips, by mode and state/region, 2015-2019.

Mode	Year	FL	GA	NC	SC	Total
<b>Shore</b>	2015	465,013	5,822	8,489	692	480,016
	2016	789,850	5,497	14,618	0	809,965
	2017	526,436	2,195	19,308	1,822	549,761
	2018	362,073	1,235	13,757	534	377,599
	2019	648,635	9,560	40,269	855	699,319
<b>Charter</b>	2015	9,255	0	1,591	3,885	14,731
	2016	6,772	774	1,318	1,538	10,402
	2017	7,023	1,561	1,320	8,348	18,252
	2018	10,086	238	2,276	1,432	14,032
	2019	29,985	652	3,755	3,125	37,517
<b>Private</b>	2015	697,803	8,563	53,370	30,843	790,579
	2016	563,428	4,618	52,856	40,104	661,006
	2017	713,322	31,807	109,039	76,500	930,668
	2018	1,850,842	52,472	24,964	16,728	1,945,006
	2019	675,967	26,558	36,214	110,780	849,518
<b>All</b>	2015	1,172,072	14,385	63,450	35,419	1,285,326
	2016	1,360,050	10,889	68,793	41,642	1,481,374
	2017	1,246,781	35,563	129,666	86,670	1,498,681
	2018	2,223,001	53,944	40,997	18,695	2,336,637
	2019	1,354,587	36,770	80,237	114,761	1,586,355

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

Similar analysis of recreational effort is not possible for the headboat mode in the South Atlantic because headboat data are not collected at the angler level. Estimates of effort by the headboat mode are provided in terms of angler days, or the number of standardized 12-hour fishing days that account for the different half-, three-quarter-, and full-day fishing trips by headboats. The stationary “fishing for demersal (bottom-dwelling) species” nature of headboat fishing, as opposed to trolling, suggests that most, if not all, headboat trips and, hence, angler days, are demersal or snapper grouper trips by intent.

Headboat angler days were highly variable across the South Atlantic states from 2015 through 2019 (Table 3.3.2.16). Florida and Georgia combined<sup>9</sup> were responsible for the vast majority of headboat effort during this time, accounting for about 72% of the total headboat effort. However, headboat effort in Florida and Georgia declined considerably in 2017 (about 36%) and remained at a much lower level through 2019. Headboat effort in North Carolina also declined

<sup>9</sup> East Florida and Georgia are combined for confidentiality purposes. East Florida is primarily responsible for effort presented in this combination.

considerably (about 22%), but a year later in 2018. Headboat effort in South Carolina oscillated slightly during this time, but was relatively stable comparatively.

**Table 3.3.2.16.** South Atlantic headboat angler days and percent distribution by state (2015-2019).

	Angler Days			Percent Distribution		
	EFL/GA*	NC	SC	EFL/GA	NC	SC
<b>2015</b>	194,979	22,716	39,702	75.8%	8.8%	15.4%
<b>2016</b>	196,660	21,565	42,207	75.5%	8.3%	16.2%
<b>2017</b>	126,126	20,170	36,914	68.8%	11.0%	20.1%
<b>2018</b>	120,560	16,813	37,611	68.9%	9.6%	21.5%
<b>2019</b>	119,712	15,546	41,470	67.7%	8.8%	23.5%
<b>Average</b>	151,607	19,362	39,581	71.3%	9.3%	19.3%

\*East Florida and Georgia are combined for confidentiality purposes.

Source: NMFS Southeast Region Headboat Survey (SRHS).

### **Economic Value**

Participation, effort, and harvest are indicators of the value of saltwater recreational fishing. However, a more specific indicator of value is the satisfaction that anglers experience over and above their costs of fishing. The economic value of this satisfaction is referred to as consumer surplus (CS). The value or benefit derived from the recreational experience is dependent on several quality determinants, which include fish size, catch success rate, and the number of fish kept. These variables help determine the value of a fishing trip and influence total demand for recreational fishing trips. For example, the estimated value of the CS for catching and keeping a second dolphin<sup>10</sup> on an angler trip is approximately \$16.07 (2019\$), and decreases thereafter (approximately \$10.71 for a third dolphin, \$7.89 for a fourth dolphin, \$6.22 for a fifth dolphin, and \$5.13 for a 6<sup>th</sup> dolphin) (Carter and Liese 2012). Carter and Liese (2012) did not produce estimates specific to wahoo and their estimates for dolphin are probably not good proxies for wahoo. Instead, their estimates for king mackerel are likely the best available proxies for wahoo for various reasons. First, wahoo are caught more rarely than dolphin, as they are more of a solitary fish as opposed to a schooling fish like dolphin, and thus are likely more valuable. Further, they are considered a “prize” catch by anglers on trips when they are caught, which suggests they are highly valued in a relative sense. Wahoo are also in the same family (Scombridae) as king mackerel and the bag limit for wahoo is much more similar to the bag limit for king mackerel than for dolphin. According to Carter and Liese (2012), the estimated values of the CS per fish for a second, third, fourth, and fifth king mackerel kept on a trip are approximately \$105, \$71, \$52, and \$41 in 2019\$. Grouper CS estimates are far more significant for additional fish kept, as their overall bag limits are smaller than that of dolphin or wahoo. Grouper are also a highly desirable as a food source and are also considered a “prize” catch by anglers. According to Carter and Liese (2012), the estimated values of the CS per fish for a second, third, fourth, and fifth grouper kept on a trip are approximately \$90, \$71, \$60, and \$44 in

<sup>10</sup> The study only considered trips with at least one fish caught and kept in its experimental design; thus, an estimate for the first caught and kept fish is not available.



2019\$. Carter and Liese (2012) estimates for snapper are for red snapper. Red snapper has a unique status amongst recreational snapper anglers because of recent management measure decreasing the recreational season to a few days with a small bag limit per angler. According to Carter and Liese (2012), the estimated values of the CS per fish for a second, third, fourth, and fifth red snapper kept on a trip are approximately \$70, \$47, \$44, and \$35 in 2019\$, but these CS estimates should be considered on the high side and not used as a proxy for all snapper species.

Estimates of average annual gross revenue for charter vessels are only available from Holland et al. (2012). After adjusting for inflation, the best available estimate of average annual charter vessel revenue is \$125,352 (2019\$). Holland et al. (2012) also provided an estimate of average annual gross revenue for South Atlantic headboats, which is \$221,617 in 2019\$. However, a more recent estimate of average annual gross revenue for South Atlantic headboats is available from D. Carter (pers. comm., March 15, 2018). D. Carter (pers. comm., March 15, 2018) recently estimated that average annual gross revenue for South Atlantic headboats were approximately \$304,103 (2019\$) in 2017. This estimate is likely the best current estimate of annual gross revenue for South Atlantic headboats as it is based on a relatively large sample and is more recent. The difference in the Holland et al. (2012) and D. Carter (pers. comm., March 15, 2018) estimate for headboats suggests that the estimate for charter vessels based on Holland et al. (2012) is likely an underestimate of current average annual revenue for charter vessels.

However, gross revenues overstate the annual economic value and profits generated by for-hire vessels. Economic value for for-hire vessels can be measured by annual PS. In general, PS is the amount of money a vessel owner earns in excess of variable (trip) costs. Economic profit is the amount of money a vessel owner earns in excess of variable and fixed costs, inclusive of all implicit costs, such as the value of a vessel owner's time as captain and as entrepreneur, and the cost of using physical capital (i.e., depreciation of the vessel and gear). Estimates of PS and economic profit for headboats is not available from Carter (2018) as that study did not collect cost data. Although Holland (2012) did collect cost data, concerns have been raised about the accuracy of their cost estimates, and thus estimates of average annual vessel PS and profit have not been generated using those estimates.

With regard to for-hire trips, economic value can be measured by PS per angler trip, which represents the amount of money that a vessel owner earns in excess of the cost of providing the trip. Estimates of trip revenue, trip costs, and trip net revenue trips taken by headboats and charter vessels in 2017 are available from Souza and Liese (2019). They also provide estimates of net cash flow per angler trip, which approximate PS per angler trip. As shown in Table 3.3.2.17, after accounting for transactions fees, supply costs, and labor costs, net revenue per trip was 42% of revenue for South Atlantic charter vessels and 54% of revenue for Southeast headboats, or \$553 and \$1,812 (2019\$), respectively. Given the respective average number of anglers per trip for each fleet, PS per angler trip is estimated to be \$118 for charter vessels and \$64 for headboats.

**Table 3.3.2.17.** Trip economics for offshore trips by South Atlantic charter vessels and Southeast headboats in 2017 (2019\$).

	<b>South Atlantic Charter Vessels</b>	<b>Southeast Headboats</b>
<b>Revenue</b>	100%	100%
<b>Transaction Fees (% of revenue)</b>	3%	6%
<b>Supply Costs (% of revenue)</b>	29%	19%
<b>Labor Costs (% of revenue)</b>	28%	22%
<b>Net Revenue per trip including Labor costs (% of revenue)</b>	40%	54%
<b>Net Revenue per Trip</b>	\$553	\$1,812
<b>Average # of Anglers per Trip</b>	4.7	28.2
<b>Trip Net Cash Flow per Angler Trip</b>	\$118	\$64

### **Economic Impacts**

The desire for recreational fishing generates economic activity as consumers spend their income on various goods and services needed for recreational fishing. This spurs economic activity in the region where recreational fishing occurs. In the absence of the opportunity to fish, the income would likely be spent on other goods and services and these expenditures would similarly generate economic activity in the region where the expenditure occurs. As such, the analysis below represents a distributional analysis only.

Estimates of the economic impacts resulting from headboat target effort for dolphin wahoo are not available. Headboat vessels are not covered in MRIP so, in addition to the absence of estimates of target effort, estimates of the appropriate business activity coefficients for headboat effort have not been generated.

Estimates of the economic impacts (business activity) associated with recreational angling for Atlantic dolphin wahoo were calculated using average trip-level impact coefficients derived from the 2016 Fisheries Economics of the U.S. report (NMFS 2018) and underlying data provided by the NOAA Office of Science and Technology. Economic impact estimates were adjusted to 2019 dollars using the annual, not seasonally adjusted gross domestic product implicit price deflator provided by the U.S. Bureau of Economic Analysis.

Recreational fishing generates economic impacts (business activity). Business activity for the recreational sector is characterized in the form of jobs (full- and part-time), income impacts (wages, salaries, and self-employed income), value-added impacts (the difference between the value of goods and the cost of materials or supplies), and output impacts (gross business sales).

Addition of the state-level estimates to produce a regional (or national) total may underestimate the actual amount of total business activity because state-level impact multipliers do not account for interstate and interregional trading. National-level multipliers must be used to account for interstate and interregional trading. Estimates of economic impacts from target trips for dolphin, wahoo, and snapper grouper in the South Atlantic using national-level multipliers are provided in Table 3.3.2.18, 3.3.2.20, and 3.3.2.22.

Estimates of average target effort for dolphin, wahoo, and snapper grouper by mode and state (2015 through 2019) in the South Atlantic and the associated business activity are provided in Tables 3.3.2.18 - 3.3.2.23. The estimates provided in Tables 3.3.2.19, 3.3.2.21., and 3.3.2.23 use state-level multipliers and thus only apply at the state-level. For example, estimates of business activity in Florida represent business activity in Florida only and not to other states (for e.g., a good purchased in Florida may have been manufactured in a neighboring state) or the nation as a whole. The same holds true for each of the other states. Income impacts should not be added to output (sales) impacts because this would result in double counting. The results provided should be interpreted with caution and demonstrate the limitations of these types of assessments. These results are based on average relationships developed through the analysis of many fishing operations that harvest many different species.

Economic impact estimates for dolphin target effort using national multipliers and state multipliers for the South Atlantic states are provided in Table 3.3.2.18 and Table 3.3.2.19. Between 2015 and 2019, across all regions and using national-level multipliers, dolphin target effort generated employment, income, value-added, and output (sales) impacts of 1,409 jobs, \$71.7 million, \$128.5 million, and \$226.2 million per year, respectively, on average.

**Table 3.3.2.18.** Estimated economic impacts from South Atlantic dolphin recreational target trips to U.S., using national multipliers. All monetary estimates are in 2019 dollars.

<b>Mode</b>	<b>Total # of Trips</b>	<b>Value Added Impacts (\$ thousands)</b>	<b>Sales Impacts (\$ thousands)</b>	<b>Income Impacts (\$ thousands)</b>	<b>Employment Impacts (Jobs)</b>
Charter	52,443	\$20,779	\$36,487	\$12,153	288
Private/Rental	1,808,720	\$99,265	\$174,863	\$54,868	1,032
Shore	814	\$82	\$141	\$47	1

**Table 3.3.2.19.** Estimated economic impacts from average annual South Atlantic dolphin recreational target trips by state and mode (2015-2019), using state-level multipliers. All monetary estimates are in thousands of 2019\$ and employment is in full-time equivalent jobs.

	NC	SC	GA	FL
<b>Charter Mode</b>				
Target Trips	16,041	2,274	9	34,119
Value Added Impacts	\$6,759	\$554	\$2	\$7,999
Sales Impacts	\$11,741	\$963	\$3	\$13,425
Income Impacts	\$3,977	\$320	\$1	\$4,730
Employment (Jobs)	120	11	0	127
<b>Private/Rental Mode</b>				
Target Trips	147,620	57,102	0	1,603,998
Value Added Impacts	\$4,602	\$1,331	\$0	\$44,185
Sales Impacts	\$7,609	\$2,044	\$0	\$65,924
Income Impacts	\$2,655	\$627	\$0	\$21,829
Employment (Jobs)	73	26	0	637
<b>Shore</b>				
Target Trips	814	0	0	0
Value Added Impacts	\$51	\$0	\$0	\$0
Sales Impacts	\$84	\$0	\$0	\$0
Income Impacts	\$30	\$0	\$0	\$0
Employment (Jobs)	1	0	0	0
<b>All Modes</b>				
Target Trips	164,475	59,376	9	1,638,117
Value Added Impacts	\$11,412	\$1,886	\$2	\$52,185
Sales Impacts	\$19,434	\$3,007	\$3	\$79,349
Income Impacts	\$6,661	\$947	\$1	\$26,559
Employment (Jobs)	194	36	0	764

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

Economic impact estimates for wahoo target effort using national multipliers and state multipliers for the South Atlantic states are provided in Tables 3.3.2.20 and 3.3.3.21. Between 2015 and 2019, across all regions and using national-level multipliers, wahoo target effort generated employment, income, value-added, and output (sales) impacts of 132 jobs, \$7 million, \$12.7 million, and \$22.4 million per year, respectively, on average.

**Table 3.3.2.20.** Estimated economic impacts from South Atlantic wahoo recreational target trips to U.S., using national multipliers. All monetary estimates are in 2019 dollars.

Mode	Total # of Trips	Value Added Impacts (\$ thousands)	Sales Impacts (\$ thousands)	Income Impacts (\$ thousands)	Employment Impacts (Jobs)
Charter	7,290	\$3,807	\$6,685	\$2,227	53
Private/Rental	219,322	\$12,171	\$21,441	\$6,728	127

**Table 3.3.2.21.** Estimated economic impacts from average annual South Atlantic wahoo recreational target trips by state and mode (2015-2019), using state-level multipliers. All monetary estimates are in thousands of 2019\$ and employment is in full-time equivalent jobs.

	NC	SC	GA	FL
<b>Charter Mode</b>				
Target Trips	5,383	123	45	1,739
Value Added Impacts	\$2,268	\$30	\$8	\$408
Sales Impacts	\$3,940	\$52	\$14	\$684
Income Impacts	\$1,334	\$17	\$5	\$241
Employment (Jobs)	40	1	0	6
<b>Private/Rental Mode</b>				
Target Trips	41,934	25,695	1,660	150,033
Value Added Impacts	\$1,307	\$599	\$41	\$4,133
Sales Impacts	\$2,161	\$920	\$63	\$6,166
Income Impacts	\$754	\$282	\$20	\$2,042
Employment (Jobs)	21	12	1	60
<b>Shore</b>				
Target Trips	0	0	0	0
Value Added Impacts	\$0	\$0	\$0	\$0
Sales Impacts	\$0	\$0	\$0	\$0
Income Impacts	\$0	\$0	\$0	\$0
Employment (Jobs)	0	0	0	0
<b>All Modes</b>				
Target Trips	47,317	25,818	1,705	151,772
Value Added Impacts	\$3,575	\$629	\$50	\$4,541
Sales Impacts	\$6,102	\$972	\$77	\$6,851
Income Impacts	\$2,089	\$299	\$25	\$2,283
Employment (Jobs)	61	12	1	66

Source: MRIP Survey Data available at <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-downloads>.

Economic impact estimates for snapper grouper target effort using national multipliers and state multipliers for the South Atlantic states are provided in Tables 3.3.2.22 and 3.3.3.23. Between

2015 and 2019, using national-level multipliers, snapper grouper target effort generated employment, income, value-added, and output (sales) impacts of 931 jobs, \$47.4 million, \$84.7 million, and \$148.3 million per year, respectively, on average.

**Table 3.3.2.22.** Estimated economic impacts from South Atlantic snapper grouper recreational target trips to U.S., using national multipliers. All monetary estimates are in 2019 dollars.

<b>Mode</b>	<b>Total # of Trips</b>	<b>Value Added Impacts (\$ thousands)</b>	<b>Sales Impacts (\$ thousands)</b>	<b>Income Impacts (\$ thousands)</b>	<b>Employment Impacts (Jobs)</b>
Charter	18,987	\$6,565	\$11,527	\$3,839	91
Private/Rental	1,035,356	\$56,375	\$99,309	\$31,161	586
Shore	583,332	\$21,761	\$37,481	\$12,443	254

**Table 3.3.2.23.** Estimated economic impacts from average annual South Atlantic snapper grouper recreational target trips by state and mode (2015-2019), using state-level multipliers. All monetary estimates in thousands of 2019\$ and employment in full-time equivalent jobs.

	NC	SC	GA	FL
<b>Charter Mode</b>				
Target Trips	2,052	3,666	645	12,624
Value Added Impacts	\$865	\$894	\$121	\$2,960
Sales Impacts	\$1,502	\$1,553	\$205	\$4,967
Income Impacts	\$509	\$516	\$69	\$1,750
Employment (Jobs)	15	17	2	47
<b>Private/Rental Mode</b>				
Target Trips	55,289	54,991	24,804	900,272
Value Added Impacts	\$1,724	\$1,282	\$616	\$24,800
Sales Impacts	\$2,850	\$1,968	\$934	\$37,001
Income Impacts	\$994	\$603	\$299	\$12,252
Employment (Jobs)	27	25	12	357
<b>Shore</b>				
Target Trips	19,288	781	4,862	558,401
Value Added Impacts	\$1,215	\$38	\$171	\$12,131
Sales Impacts	\$1,998	\$60	\$277	\$17,907
Income Impacts	\$703	\$20	\$91	\$6,140
Employment (Jobs)	20	1	3	174
<b>All Modes</b>				
Target Trips	76,629	59,437	30,310	1,471,298
Value Added Impacts	\$3,803	\$2,213	\$908	\$39,890
Sales Impacts	\$6,350	\$3,581	\$1,416	\$59,876
Income Impacts	\$2,206	\$1,139	\$460	\$20,143
Employment (Jobs)	62	43	17	579

### 3.4. Social Environment

The Comprehensive ABC Control Rule Amendment addresses multiple fisheries of importance to communities in the South Atlantic region and elsewhere along the Eastern Seaboard. This section describes select social, demographic, and geographic aspects of the fisheries addressed by the amendment, providing essential background for social effects analysis in Chapter 4. The section is organized around the sectors potentially affected by the prospective actions: (a) the snapper grouper commercial and recreational sectors, (b) the dolphin (mahi-mahi) and wahoo commercial and recreational sectors, and (c) the exclusively commercial golden crab sector. Quantitative description is limited to the five-year time-series preceding the COVID-19 pandemic in the U.S. (2015 through 2019), with emphasis on data years 2018 and 2019. Confidentiality concerns limit social description of the South Florida Golden crab fishery. Given

the many species in the snapper grouper complex, and the extensive scope of the dolphin wahoo fisheries, related descriptive data are expressed in aggregate. Description of the social environment associated with dolphin and wahoo resources managed under the South Atlantic Dolphin Wahoo FMP is expressed at the county and community levels for the Mid-Atlantic and New England fishery management regions, and in greater depth at the community level for the South Atlantic region.<sup>11</sup>

### 3.4.1. Snapper Grouper Commercial and Recreational Fisheries

#### **Snapper Grouper Commercial Sector**

As allowable by location and species pursued in the South Atlantic, participants in the limited entry commercial snapper grouper fisheries typically use manual hook-and-line gear, hydraulic (bandit) and electric reels, bottom longlines, and spearfishing gear. Use of bandit and electric reels is prevalent between Florida and Cape Hatteras, and use of spearfishing gear typically occurs in diving-suitable areas south of Hatteras. Longline gear for certain deep-water species is used at depths greater than 50 fathoms, principally north of Hatteras. Pots are used in the South Atlantic region mainly for black sea bass. Knowledge of habitat, species behavior, current flow, and other ecological factors over wrecks, reefs, and other bathymetric features is critical to success in the snapper grouper fisheries. Use of fish-finding and positioning technology is now almost universal across the fleets. Commercial trip lengths vary in relation to type of gear deployed, with most trips lasting between two and three days, and some considerably longer (North Carolina Division of Marine Fisheries 2022).

MacLauchlin-Buck (2018) describes snapper grouper trips based on principal target species and season of harvest, where seasons are designated for purposes of analysis based on general trends in harvest activities across the region. The author asserts that trips initiated from ports between North Carolina and Georgia during Season 1 (January through April) tend to focus especially on black sea bass, or on vermilion snapper, gray triggerfish, and/or various jacks. Season 2 trips (May through August) are said to focus on black sea bass, gag grouper, and red porgy, with trips during Season 3 (September through December) driven largely by pursuit of gray triggerfish and/or red porgy, and also by black sea bass and/or gag grouper. Certain trips during the cooler months involve harvest of snowy grouper and/or blueline and golden tilefish in relatively deep waters of the region. South Atlantic commercial snapper grouper trips departing from Florida are more diversified than from ports further north, with Season 1 trips involving focused pursuit of: (a) vermilion snapper, gray triggerfish, mutton snapper, gray snapper, greater amberjack, and/or hogfish; (b) yellowtail snapper; (c) golden tilefish (typically involving use of longline gear); (d) various jacks; and (e) king mackerel (MacLauchlin-Buck 2018). Season 2 trips reportedly involve extensive pursuit of greater amberjack, yellowtail snapper, mutton snapper, and king mackerel; with Season 3 trips dominated by pursuit of various shallow-water snapper grouper species, yellowtail snapper, golden tilefish, and Spanish mackerel. Finally, Florida Keys-based trips typically involve pursuit of yellowtail snapper during all seasons, with Season 1 trips also involving harvest of mutton snapper, gray snapper, gray triggerfish, and greater

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<sup>11</sup> Select human aspects of Atlantic dolphin wahoo operations are incorporated by reference in this section, as available in the recently implemented Amendment 10 to the FMP for the Dolphin and Wahoo Fishery of the Atlantic (South Atlantic Fishery Management Council 2021).



amberjack. Season 2 trips in the Keys reportedly involve focused pursuit of yellowtail snapper, greater amberjack, gray snapper, mutton snapper, and various shallow-water groupers, while trips during Season 3 tend to be focused on the various shallow-water snapper grouper species. Deepwater trips for yellowedge, snowy grouper, and blueline and golden tilefish reportedly occur at times throughout the course of a given year (MacLauchlin-Buck 2018).

### **South Atlantic Commercial Snapper Grouper Landings by State**

Based on 2019 data, over 61.2% of the snapper grouper resource in the South Atlantic region was landed at ports in Florida that year, followed by 25.2% at ports in North Carolina, and 13.4% at ports in South Carolina. Less than 1% of landings were received at ports along the Georgia coast during 2019 (SEFSC Community ALS File).

### **South Atlantic Commercial Snapper Grouper Permits by State and Community**

A total of 543 South Atlantic unlimited snapper grouper permits were held during 2019. At 67.2%, most unlimited permits were issued to residents or persons with mailing addresses in Florida, followed by 20.9% in North Carolina, 8.8% in South Carolina, and 1.4% in Georgia. Two or fewer unlimited permits were issued to persons in Delaware, New Jersey, New York, and Virginia. Most trip-limited permits were also held for use by persons operating from Florida communities during 2019 and, as can be noted in Table 3.4.1.1, a large proportion of both permit types are held by fishery participants active in the Florida Keys. Indicative of operational diversity over the course of a given fishing year, MacLauchlin-Buck (2018) states that most snapper grouper permit holders also hold permits for various pelagic species managed in the federal jurisdiction waters of the South Atlantic. Of note, a total of 32 black sea bass pot endorsements were issued for use in the South Atlantic during the 2015 through 2019 time-series<sup>12</sup>— in keeping with the fleet size parameters established for this limited entry fishery. No more than 35 pots may be deployed from any participating vessel, and captains must also possess a South Atlantic Unlimited Snapper-Grouper Permit. The communities with the greatest number of black sea bass pot endorsements during 2019 were: Little River, South Carolina (four endorsements), Sneads Ferry, North Carolina (also four endorsements), and Ponce Inlet, Florida (three endorsements).

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<sup>12</sup> The black sea bass resource is jointly managed north of Hatteras by NMFS, the Mid-Atlantic Fishery Management Council, and the Atlantic State Marine Fisheries Commission. South of Hatteras, the resource is managed by NMFS and the South Atlantic Fishery Management Council.

**Table 3.4.1.1.** Distribution of commercial snapper grouper unlimited and 225-lb trip-limited permits among the top permit-holding communities in the South Atlantic during 2019.

<b>Leading Communities: Unlimited Permits</b>	<b>Permits</b>	<b>Leading Communities: 225-lb Trip-Limited Permits</b>	<b>Permits</b>
Key West, Florida	95	Key West, Florida	12
Key Largo, Florida	28	Marathon, Florida	10
Miami, Florida	23	Miami, Florida	9
Marathon, Florida	21	Jupiter, Florida	6
Murrells Inlet, South Carolina	16	Big Pine Key, Florida	5
Southport, North Carolina	14	Key Largo, Florida	4
Little River, South Carolina	14	Hatteras, North Carolina	3
Jacksonville, Florida	14	Wilmington, North Carolina	3
Port Canaveral, Florida	13	West Palm Beach, Florida	3
Jupiter, Florida	13	--	--
Beaufort/Morehead City, North Carolina	12	--	--
Sebastian, Florida	12	--	--
Sneads Ferry, North Carolina	11	--	--
Fort Pierce, Florida	10	--	--
Ponce Inlet, Florida	10	--	--
Mayport, Florida	10	--	--
Fort Pierce, Florida	10	--	--
Holden Beach, North Carolina	9	--	--
Islamorada, Florida	9	--	--
Big Pine Key, Florida	9	--	--

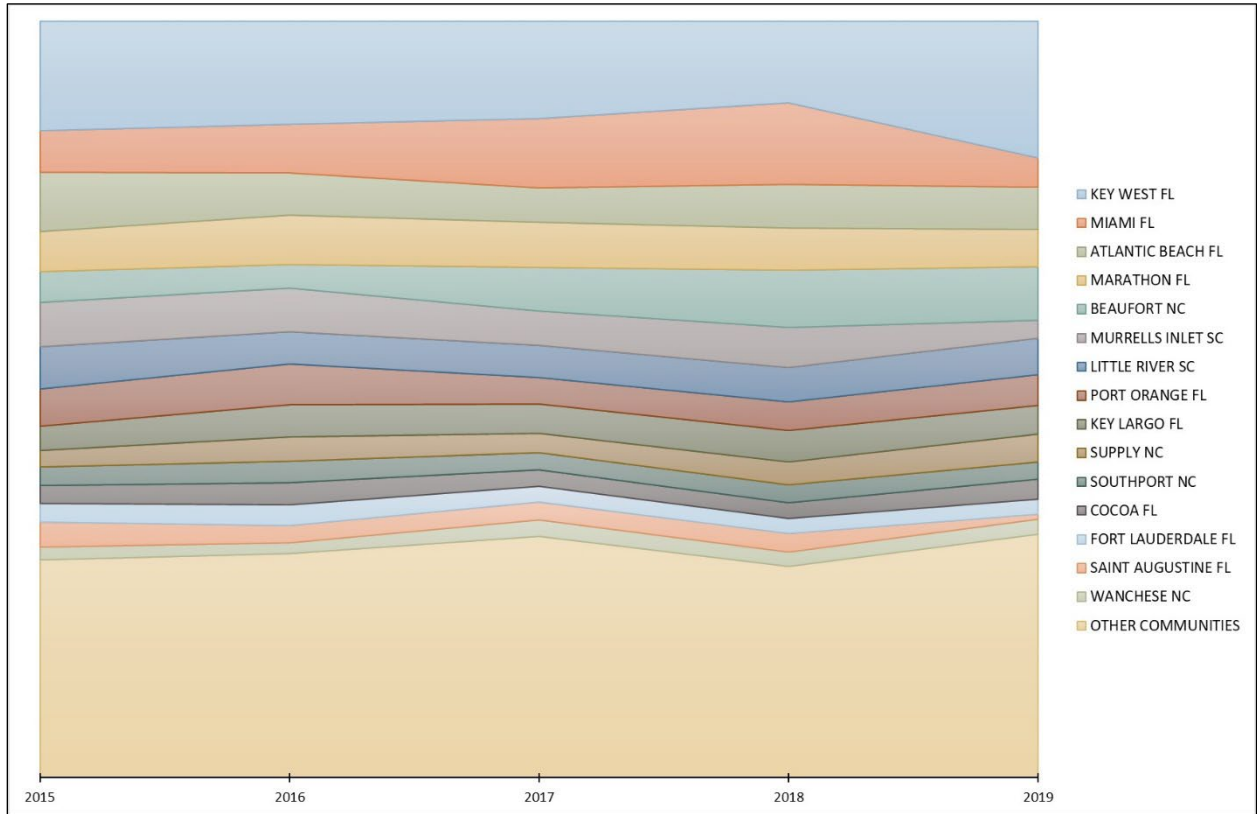
Source: NMFS SERO SF Access permits database.

### **Regional Quotient of South Atlantic Commercial Snapper Grouper Landings**

Figure 3.4.1.1 depicts the distribution of commercial landings among the top fifteen snapper grouper landings communities in the South Atlantic for the period 2015 through 2019. The distribution is expressed as a regional quotient (RQ), or the share of community landings divided by total landings for the overall region. As can be discerned from the graph, commercial participants based in Key West collectively account for the greatest proportion of community-specific snapper grouper landings during 2019 and throughout the time-series.

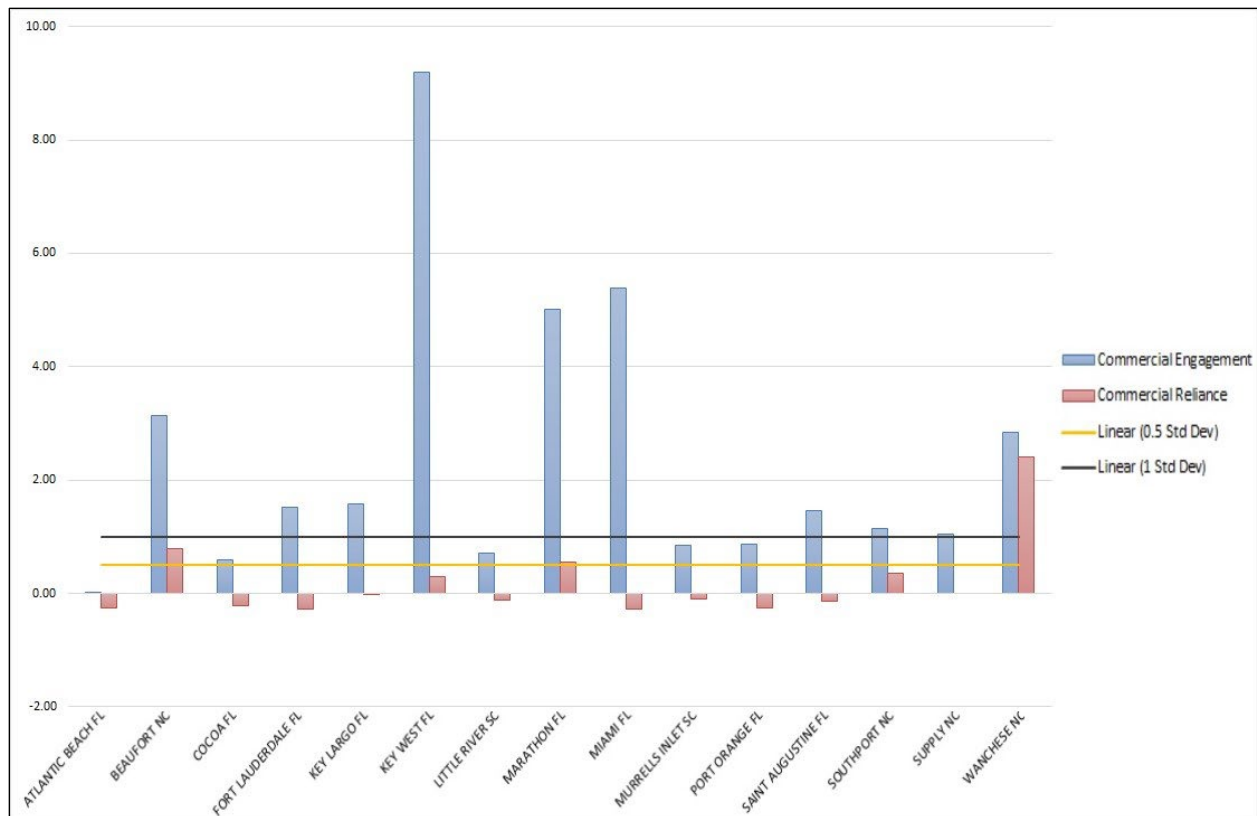
As depicted in Figure 3.4.1.2, the Florida communities of Key West, Marathon, and Miami, along with the North Carolina communities of Beaufort, Morehead City, and Wanchese, score highly in terms of relative extent of engagement in South Atlantic commercial fisheries. The measure of engagement provided here is a generalizable composite indicator based on pounds of fish landed by the local fleets, ex-vessel value of landings, and the number of commercial fishery participants and seafood dealers present in a given community (see Jacob et al. 2013; Jepson and Colburn 2013; Hospital and Leong 2021). Measures of reliance incorporate the same variables used to address engagement, divided by the total local population figure. The measures are useful means for indicating where any prospective effects of management actions are likely to be experienced. Notably, the North Carolina community of Wanchese scores well above the one standard deviation threshold for reliance on the region’s commercial fisheries, suggesting limited local economic alternatives to the fishing and seafood industry in this remote waterfront town of

some 1,522 residents (U.S. Census Bureau 2020b). A total of five unlimited commercial snapper grouper permits were held by Wanchese residents during 2019.



**Figure 3.4.1.1.** Distribution of regional landings among the top South Atlantic commercial snapper grouper landings communities: 2015 through 2019.

Source: NMFS SERO, Community ALS database 2019.



**Figure 3.4.1.2.** Measures of engagement and reliance among the leading commercial snapper grouper landings communities in the South Atlantic during 2019.

Source: NMFS SERO, Community Social Vulnerability Indicators (CSVI) database.

***Snapper Grouper Recreational Sector***

Participants in the South Atlantic snapper grouper recreational fisheries generally use manual hook-and-line gear and/or electric and hydraulic reels to pursue species of interest during relatively short-duration trips offshore. Size and capability of vessel vis-à-vis local ocean conditions determines how far offshore a species of interest can be sought in a given benthic habitat on any given day. Environmental knowledge and positioning technology are core elements of fishing success and safety-at-sea, with most captains also striving to provide an enjoyable patron experience irrespective of landings.

A total of 2,181 South Atlantic snapper grouper charter/headboat permits were issued in 2019. This represents a steady regional increase during the 2015 through 2019 time-series, with 1,779 permits issued in 2015, 1,867 in 2016, 1,982 in 2017, and 2,126 in 2018. The community distribution of for-hire permits in 2019 is depicted in Table 3.4.1.2. Of note in the table, the greatest proportion of for-hire/headboat permits were held by residents or persons with postal addresses in Key West, with 198 such permits held in the community in 2019, down from a high of 206 in 2018. This figure is similar to the number of dolphin wahoo for-hire permits issued to persons in the community during 2019, as indicated later in this section.

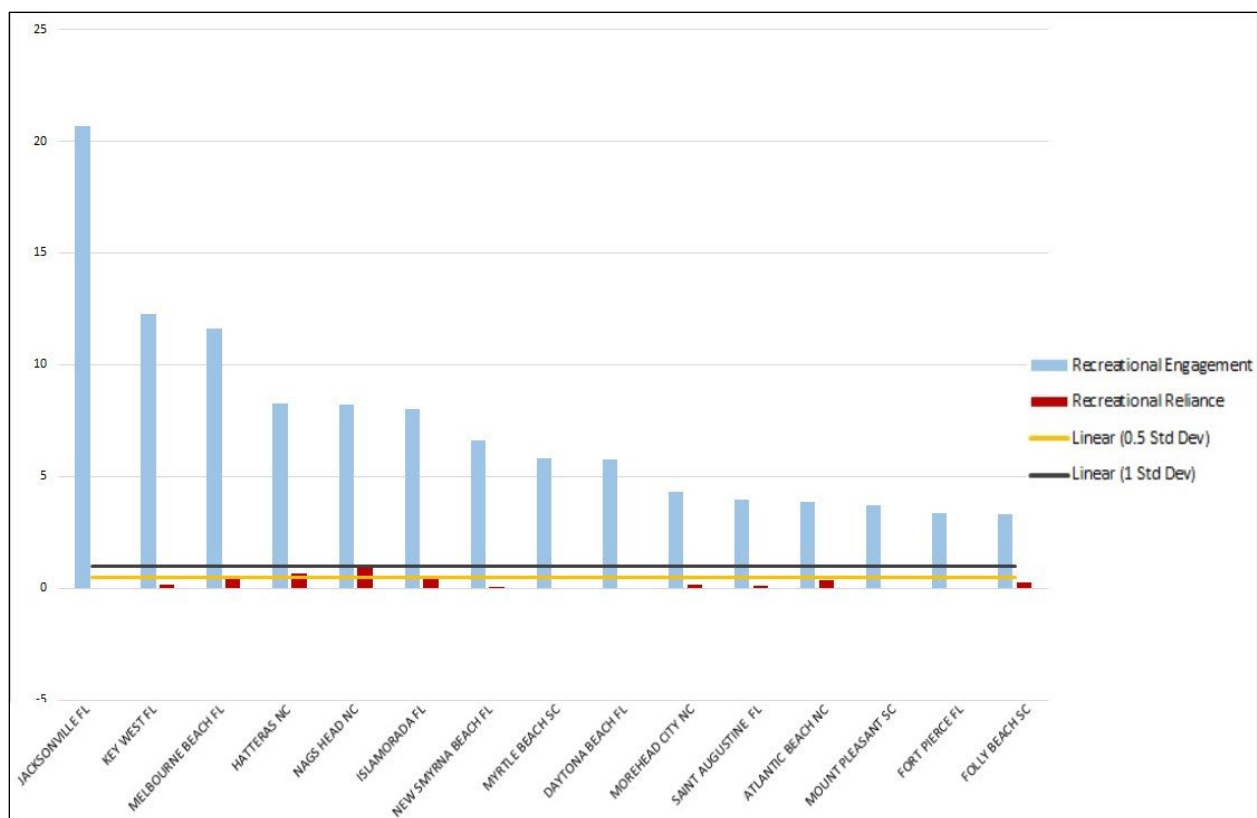
**Table 3.4.1.2.** Distribution of South Atlantic for-hire/headboat snapper grouper permits among the top permit-holding communities in the region during 2019.

State	Leading Communities	Number of Permits in 2019
Florida	Key West	198
Florida	Islamorada	97
Florida	Marathon	82
Florida	Port Canaveral	76
South Carolina	Charleston	60
Florida	Miami	45
North Carolina	Hatteras	44
Florida	St. Augustine	40
Florida	Ponce Inlet	36
North Carolina	Beaufort/Morehead City	36
South Carolina	Murrells Inlet	33
Florida	Key Largo	32
Florida	Jupiter	32
Florida	Jacksonville	30
Florida	Cape Canaveral	29
North Carolina	Manteo	26
Florida	Port Orange	25

Source: NMFS SERO, Access permits database.

### **Measures of Engagement and Reliance: Snapper Grouper Recreational Sector**

The communities depicted in Figure 3.4.1.3 are those in the South Atlantic region where residents are most clearly engaged in the recreational fishing industry, of which the snapper grouper fisheries are important components. The measure of engagement depicted in the figure derives from the number of recreational permits and vessels actively used by residents in a given community, while the measure of reliance derives from the same variables divided by the total local population figure. All communities depicted in the figure demonstrate extensive involvement in recreational fishing, with particularly high levels noted of Jacksonville, Key West, Melbourne Beach, and Islamorada in Florida, and of Hatteras and Nags Head, small communities situated along the Outer Banks of North Carolina. Notably, Nags Head is the only community that meets the one standard deviation threshold for reliance on the recreational fishing industry, indicating the importance of for-hire and private recreational fishing and related services and opportunities in the community. Inasmuch as the graphic depicts relative extent of community engagement and reliance on recreational fishing in the South Atlantic region in general, it is also a useful point of reference for understanding localized involvement in the South Atlantic portion of the Atlantic dolphin wahoo recreational fisheries described in the following subsection.



**Figure 3.4.1.3.** Measures of community involvement in the South Atlantic recreational fishing industry during 2019.

Source: NMFS SERO, CSVI database.

### 3.4.2. Dolphin Wahoo Commercial and Recreational Fisheries

#### Dolphin Wahoo Commercial Sector

This subsection emphasizes aggregated social description of the open access Atlantic commercial dolphin and wahoo fisheries since: 1) this is compatible with the aggregated overview of social involvement in the multi-species snapper grouper fisheries described above; 2) participants in the commercial harvest sector operate under a combined dolphin wahoo permit; and 3) typical modes of pursuit and operational strategies are similar for both pelagic species.

Commercial captains and crew working to harvest migratory dolphin and/or wahoo resources along the Eastern Seaboard typically use hook-and-line troll gear or pelagic longline gear, often fishing near *Sargassum*, other floating materials or objects, convergence zones, surface slicks, visible bait, preying birds, and/or other features indicative of feeding pelagic species. In the event of a surface rush, jigging with handlines in such areas is another viable strategy. Troll speeds tend to be rapid relative to those used during pursuit of other pelagic species, and especially so for wahoo. Baits or lures are typically deployed near or at the surface and/or somewhat deeper at times. Automatic reels and bandit gear are allowable. Effective coordination between captain and crew is critical to success, particularly during challenging sea conditions and when multiple fish are hooked simultaneously. A limited amount of dolphin is captured using spearfishing methods in certain areas, again as conditions allow (SAFMC 2021). Dolphin is landed across the fishery regions of interest much more frequently than wahoo. A

total of 2,722 Atlantic commercial dolphin wahoo permits were held by persons around the nation during 2019, with most participants residing in or utilizing postal addresses in the South Atlantic region.

### **Commercial Dolphin and Wahoo Landings: New England and Mid-Atlantic Communities**

The SAFMC manages migratory dolphin and wahoo resources across the South Atlantic and into the Mid-Atlantic and New England fishery management regions. As such, pertinent human aspects of these cross-regional fisheries are included in the following subsections, with a focus on select geographic and demographic data useful for understanding county- and community-level linkages to dolphin and wahoo fishing operations. The New England coastal states include Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The Mid-Atlantic states include New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia.

As discussed in SAFMC (2021), the historic volume of dolphin and wahoo landings in the New England and Mid-Atlantic regions is minimal when compared to landings accrued in communities around the South Atlantic. The authors note that the New England city of New Bedford, Massachusetts led New England ports during 2011 in terms of commercial dolphin landings, with Ocean City, Maryland a distant second in the Mid-Atlantic region. The volume of commercial wahoo landings during 2011 reportedly was far less than for dolphin. Only dealers in New Bedford, Massachusetts and Cape May, New Jersey received any landings of wahoo during 2011 (SAFMC 2013). A useful point of reference for the volume of recent commercial dolphin and wahoo landings in the New England and Mid-Atlantic regions is provided by NMFS (2022). The agency reports that 16,918 lbs. of dolphin and 1,557 lbs of wahoo were landed in the New England states during 2019, and that 47,981 lbs of dolphin and 1,138 lbs of wahoo were landed in the Mid-Atlantic states that year.

### **Commercial Dolphin and Wahoo Landings by State in the South Atlantic Region**

During 2019, 40.7% of the overall dolphin wahoo resource was landed at ports in North Carolina, followed by 32.9% at ports in Florida, and 26.2% at ports in South Carolina. Landings of both dolphin and wahoo were negligible at Georgia ports during the 2015-2019 time-series. As regards commercial landings of wahoo, nearly 49% of the wahoo resource was landed at ports in North Carolina during 2019, followed by 38.4% at ports in Florida, and 12.6% at ports in South Carolina (SEFSC Community ALS File).

### **Commercial Dolphin and Wahoo Permits: New England and Mid-Atlantic Communities**

As of 2019, a total of 50 Atlantic commercial dolphin wahoo permits were held by residents or persons with mailing addresses in the coastal New England states. This is down from a 2015-2019 time-series high of 60 permits in 2017. As can be noted in Table 3.4.2.1, the greatest percentage of permits were held in Rhode Island during 2019 and the remainder of the time-series, with most being held by residents or persons with mailing addresses in Point Judith.

**Table 3.4.2.1.** Distribution of permits among the top commercial dolphin wahoo permit-holding communities in the New England region during 2019.

State	Leading Communities	Number of Permits in 2019
Rhode Island	Point Judith	7
Massachusetts	Nantucket	4
Connecticut	Stonington	3
Massachusetts	New Bedford	3

Source: NMFS SERO, Access permits database.

A total of 169 Atlantic commercial dolphin wahoo permits were held by residents or persons with mailing addresses in the coastal Mid-Atlantic region during 2019. This is down from a 2015 through 2019 time-series high of 198 permits in 2017. As depicted in Table 3.4.2.2, the greatest number of permits were held in New Jersey during 2019, with the greatest percentage held in the community of Barnegat Light, as was the case during the entire time-series.

**Table 3.4.2.2.** Distribution of permits among the top commercial dolphin wahoo permit-holding communities in the Mid-Atlantic region during 2019.

State	Leading Communities	Number of Permits in 2019
New Jersey	Barnegat Light	30
New York	Montauk	15
Maryland	Ocean City	15
New Jersey	Cape May	11
Virginia	Virginia Beach	8
New York	New York	5
Delaware	Indian River	5
New Jersey	Sea Isle City	4
Delaware	Wilmington	3
New Jersey	Point Pleasant Beach	3

Source: NMFS SERO, Access permits database.

**Commercial Atlantic Dolphin Wahoo Permits by South Atlantic State and Community**

As of 2019, a total of 2,427 Atlantic commercial dolphin wahoo permits were held by residents or persons with mailing addresses in the South Atlantic states. A total of 1,777 permits were issued to persons in Florida during 2019, followed by 524 in North Carolina, 108 in South Carolina, and 18 in Georgia. As can be noted in Table 3.4.2.3, most commercial dolphin wahoo permits were held in Florida communities during 2019; this is the case despite the relatively higher percentage of dolphin wahoo landings in North Carolina that year.



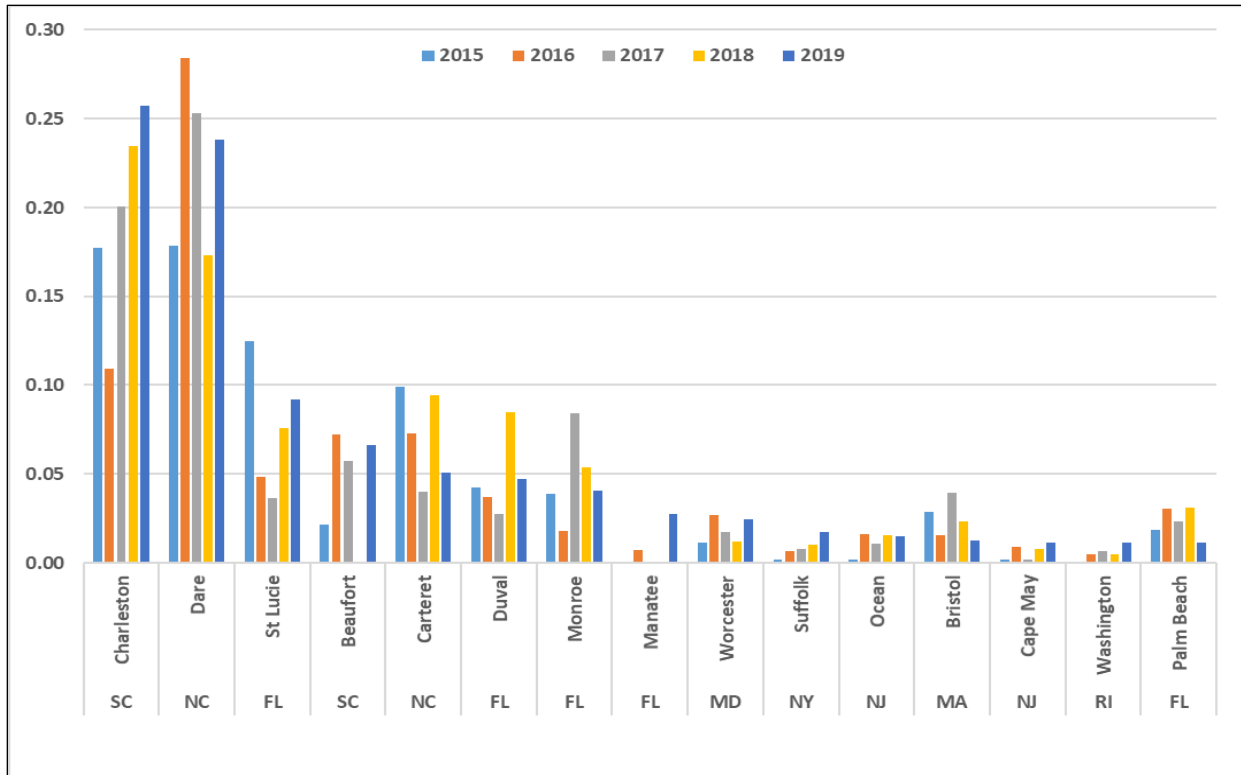
**Table 3.4.2.3.** Distribution of permits among the top commercial dolphin wahoo permit-holding communities in the South Atlantic region during 2019.

State	Leading Communities	Number of Permits in 2019
Florida	Key West	222
Florida	Miami	111
Florida	Marathon	99
Florida	Port Canaveral	86
Florida	Fort Pierce	81
Florida	Jupiter	78
Florida	Sebastian	57
North Carolina	Morehead City	56
North Carolina	Southport	49
Florida	Key Largo	46
North Carolina	Hatteras	44
North Carolina	Wanchese	42
Florida	Islamadora	42
North Carolina	Beaufort	38
Florida	Port Salerno	38

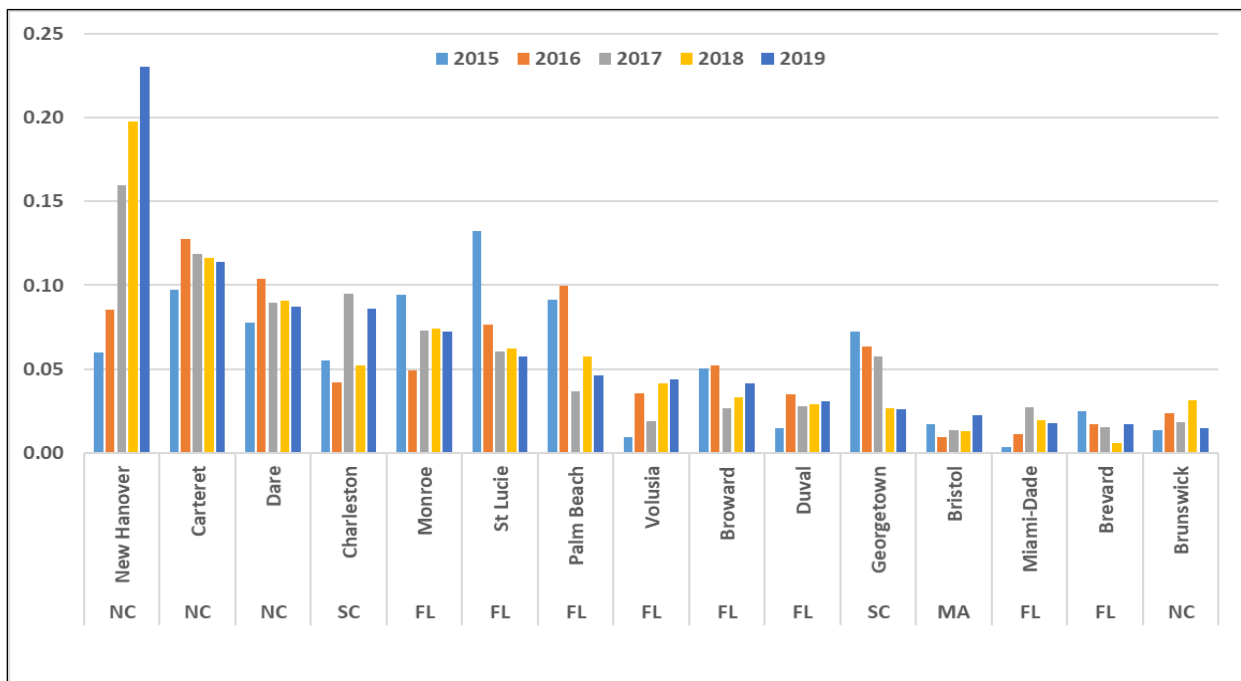
Source: NMFS SERO, Access permits database.

**Regional Quotient of Commercial Atlantic Dolphin and Wahoo Landings: Top Counties**

The following figures depict the distribution of commercial dolphin and wahoo landings among the 15 East Coast counties with the greatest proportion of landings for the species of interest. Again, the distribution is expressed as a regional quotient—in this case, the share of county landings divided by total landings for the overall region. As discussed in SAFMC (2021), while the majority of the top-ranking counties for commercial dolphin landings were in Florida during the 2015 through 2019 time-series (St. Lucie, Duval, Monroe, Manatee, and Palm Beach Counties), most of the regional quotient can be attributed to Charleston County in South Carolina and Dare County, North Carolina (Figure 3.4.2.1). Meanwhile, a relatively small proportion of commercial dolphin landings can be attributed to specific counties in the New England region (Bristol and Washington Counties) and the Mid-Atlantic region (Worcester, Suffolk, and Cape May Counties). Readers should note that the y axis value is hidden in certain cases so as to ensure confidentiality where less than three dealers are present in a given county. Of note in Figure 3.4.2.2, numerous Florida counties are represented in the distribution of region-wide wahoo landings, but with the greatest proportion of landings attributable to counties in North Carolina.



**Figure 3.4.2.1.** Distribution of regional landings among the leading commercial dolphin landings counties along the Eastern Seaboard: 2015 through 2019.  
Source: ACCSP database (2020).

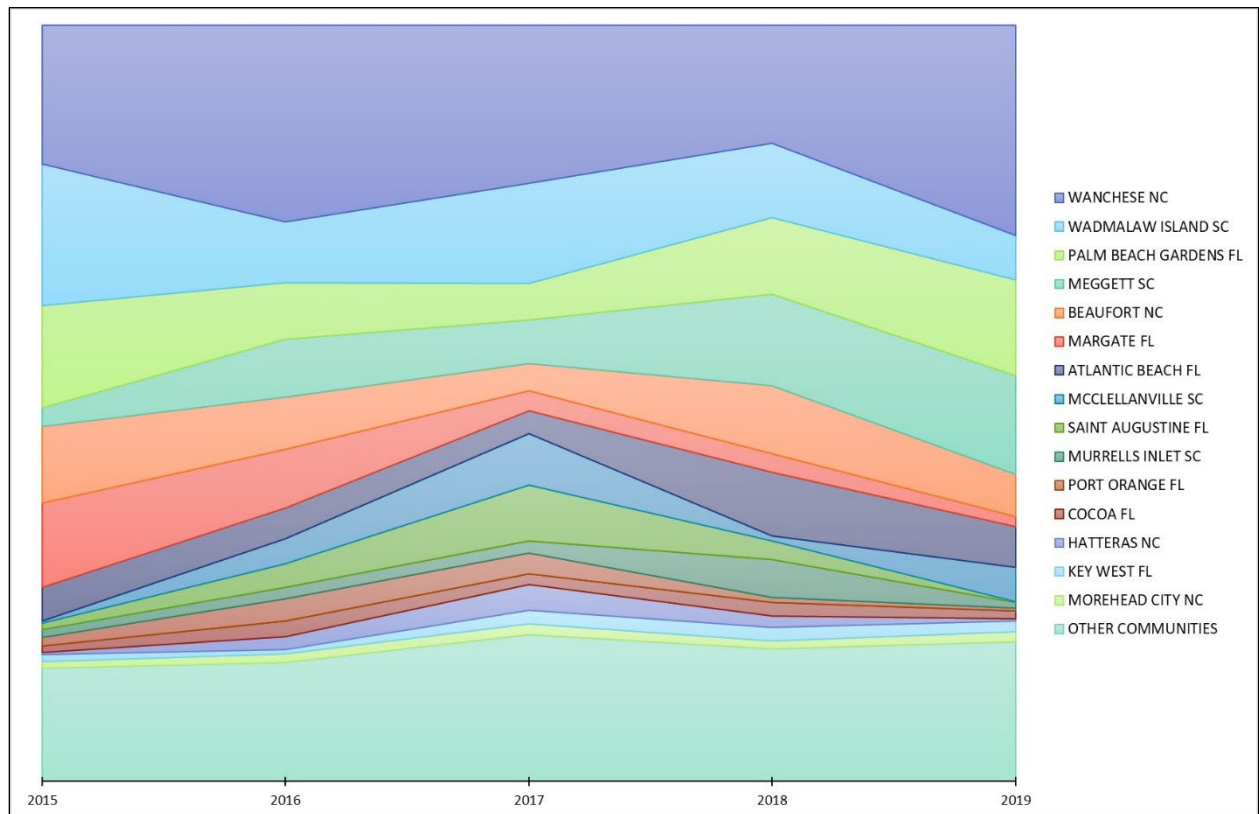


**Figure 3.4.2.2.** Distribution of regional landings among the leading commercial wahoo landings counties along the Eastern Seaboard: 2015 through 2019.  
Source: ACCSP database (2020).

Numerous communities in New England and the Mid-Atlantic exceed the one standard deviation threshold for measured engagement in and reliance on the commercial and recreational fishing industries (SAFMC 2021). These communities include: Boston and New Bedford in Massachusetts; Montauk and Point Lookout in New York; Point Pleasant, Barnegat Light, Belmar, and Cape May in New Jersey; Ocean City in Maryland; and Wachapreague and Virginia Beach in Virginia.

**Regional Quotient of Combined Commercial Dolphin Wahoo Landings: South Atlantic Communities**

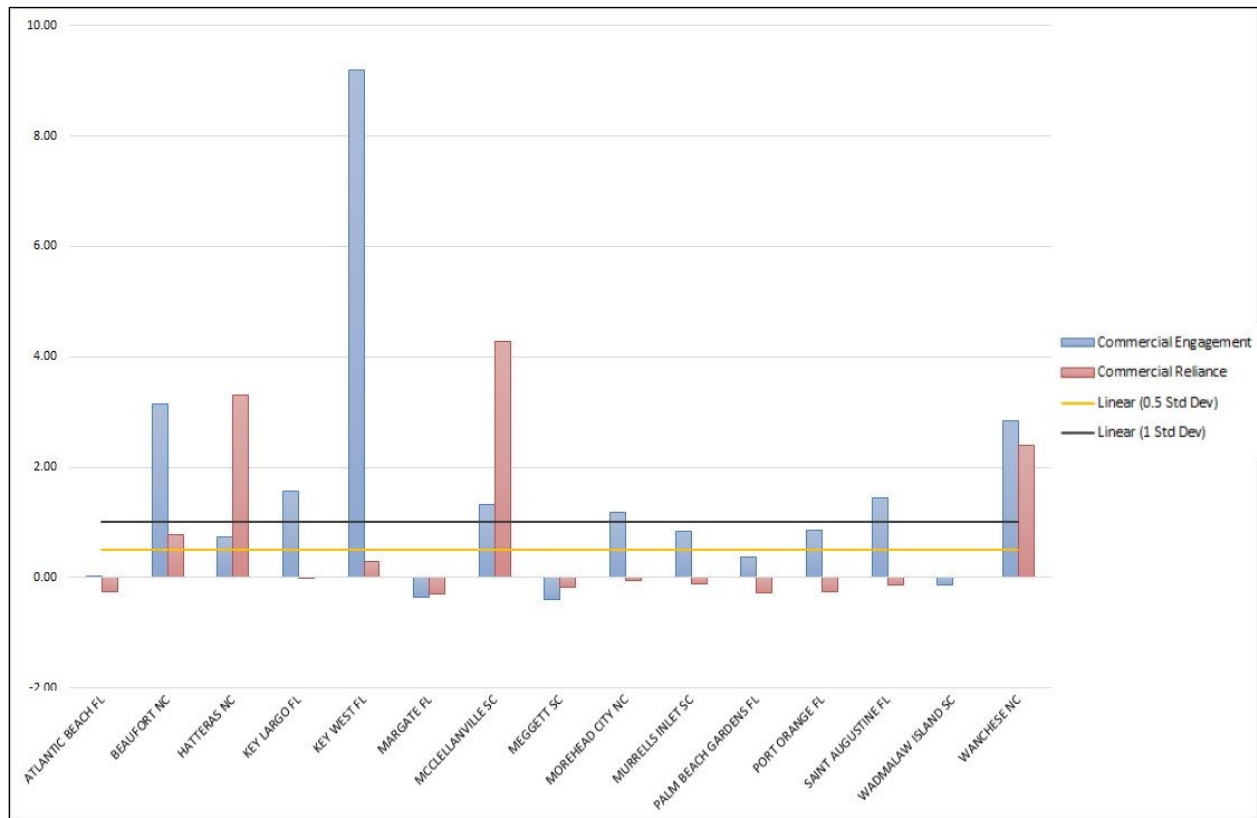
Figure 3.4.2.3 depicts the distribution of combined commercial dolphin and wahoo landings among the 15 South Atlantic communities with the greatest proportion of such landings during the 2015 through 2019 time-series. Commercial participants in the northern North Carolina community of Wanchese collectively account for the greatest proportion of community-specific dolphin wahoo landings during 2019 and throughout the remainder of the time-series.



**Figure 3.4.2.3.** Distribution of regional landings among the top dolphin wahoo landings communities in the South Atlantic: 2015 through 2019.  
Source: NMFS SERO, Community ALS 2019.

As depicted in Figure 3.4.2.4, seven of the top commercial dolphin wahoo landings communities exceed the one standard deviation threshold in terms of relative extent of engagement in South Atlantic commercial fisheries as a whole. These include: the Florida communities of Key West, Key Largo, and St. Augustine; the North Carolina communities of Beaufort, Morehead City, and Wanchese; and the South Carolina community of McClellanville. As for the dolphin wahoo fisheries discussed previously in this section, the indicator of engagement used here is a

generalizable composite based on pounds landed, ex-vessel revenue, and the number of local commercial fishery participants and seafood dealers. Again, measures of reliance incorporate the same variables divided by the local population figure, with both measures indicating where prospective management actions may potentially lead to community-level effects.



**Figure 3.4.2.4.** Measures of engagement and reliance among the top 15 commercial dolphin wahoo landings communities in the South Atlantic: 2019. Source: NMFS SERO, CSVI database.

**Dolphin Wahoo Recreational Sector**

Captains and crew who provide a recreational dolphin and/or wahoo fishing experience to their patrons along the Eastern Seaboard typically use heavy-leadered hook-and-line troll gear, often fishing above wrecks or near floating objects, preying birds, visible bait, convergence zones, and/or surface slicks. Strategies vary, but troll speeds tend to be relatively rapid, and often faster for wahoo, with natural baits (such as ballyhoo) and/or artificial high-speed plugs and lures often deployed at or near the surface and sometimes deeper, with depth of set often varying across the spread of trolled lines. For-hire vessels capable of handling offshore conditions typically are well-equipped with fish-finding, geo-positioning, and communications technologies. Captain’s knowledge of dynamic environmental factors and how these relate to the presence of dolphin and wahoo is an important human dimension of for-hire operations across this broad region.

A total of 2,360 Atlantic dolphin wahoo charter/headboat permits were held by individuals in various states around the nation during 2019. Most were held by residents or persons with postal addresses in the South Atlantic region, as discussed below.

### **Distribution of Dolphin Wahoo Charter Permits in the New England Region**

A total of 34 Atlantic dolphin wahoo charter/headboat permits were issued to residents or individuals with mailing addresses in the New England region during 2019. This is down slightly from a 2015 through 2019 time-series high of 36 permits during 2017 and 2018. Only 20 such permits were held in the region during 2015. Four permits were held in Narragansett, Rhode Island during 2019, with three held in Snug Harbor, Rhode Island, and two held in Plymouth, Massachusetts and in Portsmouth, Rhode Island. A single permit was held in 21 additional New England communities during 2019.

### **Distribution of Dolphin Wahoo Charter Permits in the Mid-Atlantic Region**

A total of 271 Atlantic dolphin wahoo charter/headboat permits were issued to operators who were resident or who held mailing addresses in the Mid-Atlantic region during 2019. This the largest number of permit holders in the region during the 2015 through 2019 time-series, up from a low of 262 permits in 2017. The greatest number of permit holders were based in or operating from Ocean City, Maryland during 2019, with 57 active permits held by residents or persons with mailing addresses in the community that year (Table 3.4.2.4).

**Table 3.4.2.4.** Distribution of permits among the leading for-hire/headboat dolphin wahoo permit-holding communities in the Mid-Atlantic region: 2019.

<b>State</b>	<b>Leading Communities</b>	<b>Number of Permits in 2019</b>
Maryland	Ocean City	57
Virginia	Virginia Beach	21
Delaware	Indian River	15
New Jersey	Cape May	13
Delaware	Lewes	12
New York	Montauk	9
New Jersey	Barnegat Light	7
Delaware	Wilmington	5
Virginia	Chincoteague	4

Source: NMFS SERO, Access permits database.

### **Distribution of Dolphin Wahoo Charter Permits in the South Atlantic Region**

A total of 1,997 Atlantic dolphin wahoo charter/headboat permits were issued to residents or individuals with mailing addresses in the South Atlantic region during 2019. This represents a steady regional increase during the 2015 through 2019 time-series, with 1,580 permits issued in 2015, 1,656 in 2016, 1,932 in 2017, and 1,932 in 2018. The greatest proportion of permits were held during the time-series by residents or persons with postal addresses in Key West, with 192 such permits held in the community in 2019, down from a high of 200 in 2018 (Table 3.4.2.5).

**Table 3.4.2.5.** Distribution of permits among the leading for-hire/headboat dolphin wahoo permit-holding communities in the South Atlantic: 2019.

State	Leading Communities	Number of Permits in 2019
Florida	Key West	192
Florida	Islamorada	96
Florida	Marathon	81
Florida	Port Canaveral	78
South Carolina	Charleston	54
North Carolina	Hatteras	46
Florida	Miami	43
Florida	St. Augustine	39
North Carolina	Manteo	37
Florida	Ponce Inlet	36
Florida	Jupiter	34
Florida	Key Largo	31

Source: NMFS SERO, Access permits database.

As indicated in Table 3.4.2.5 and in Figure 3.4.1.2 above, the predominate involvement of Key West-based commercial and for-hire captains and crew in the South Atlantic dolphin wahoo and snapper grouper fisheries warrants additional social description of place. As of April 1, 2020, Key West was home to 24,649 permanent residents (U.S. Census Bureau 2020a), but with a characteristically large expansion of the population as seasonal residents and tourists arrive during the winter months. Key West is the southernmost city in the mainland U.S., with a consistently mild, tropical-maritime climate (NOAA 2021). The combination of favorable winter climate, close proximity to pelagic fishing grounds, and increasing rates of seasonal residence and visitation following a period of gentrification initiated in decades past (Shivlani 2014), help explain the disproportionate extent of for-hire fishing opportunities and services available in the community.

### 3.4.3. Golden Crab Commercial Fishery

The origins of the exclusively commercial Florida-based golden crab fishery are discussed in a variety of sources (e.g., Varkonyi 1985; Sherman 1985; South Atlantic Fishery Management Council 1995; Crosson et al. 2013; Clark 2014). In sum, the golden crab resource was first successfully harvested during the mid-1980s following a period of experimentation in deepwater demersal habitats along both the Gulf and Atlantic sides of the South Florida coastline (see Otwell et al. 1984). Attention quickly shifted to the Atlantic side where suitable bottom habitat was relatively close to land and where large urban areas were more likely to enable viable marketing potential. Early efforts were staged from Fort Lauderdale, but as technological, marketing, and food preparation challenges were gradually addressed, commercial harvest began to be undertaken from other ports in the region.

As discussed by Crosson et al. (2013), participation and effort in the golden crab fishery expanded considerably subsequent to passage of Snapper Grouper Fishery Management Plan (FMP) Amendment 4, which banned the use of fish traps in federal jurisdiction waters beginning in 1991. Following the ban, most Fort Lauderdale-based crabbers were no longer able to use

their preferred method for harvesting various snapper grouper species as they had formerly done during parts of the year in order to complement annual income derived from crabbing. The ban also encouraged reef fish harvesters based in other Florida communities to seek opportunity in the golden crab fishery. This situation occurred at roughly the same time that a downturn in Alaska crab stocks led the operators of a large Pacific Northwest-based crab vessel to make the voyage to Florida, also seeking to profit through harvest of the golden crab resource. As noted by Crosson et al. (2013), 38 vessels were engaged in the fishery by late 1995.

Human-technical challenges abound in the golden crab fishery, including the need for safe and effective deployment and retrieval of traps far below the highly dynamic Gulf Stream (Reed et al. 2017). As discussed by Crosson et al. (2013), early operators learned to set as many as 50 longline-linked traps in waters as deep as 2,000 feet, retrieving them some days later by locating and grappling the main line with a large hook. As for all offshore fisheries, and perhaps more so given the unwieldy nature of the traps and the need for the crabs to be landed undamaged by retrieval, the interactive challenges of weather, wind, current, ground swell, and wind waves cannot be overstated. When these and the challenges associated with properly caring for and effectively marketing the resource are overcome through trial and error, a base of ecological and fishery-specific knowledge is developed by captain and others involved in the operation. Given its economic significance, such knowledge includes proprietary operational strategies, including means for ensuring sustainability of the resource and its availability for ongoing generation of profit. Such knowledge is typically closely guarded, often becoming a kind of commodity with economic and social value. Equipped with such knowledge and years of experience, the rapid expansion in overall effort ultimately led certain well-established South Florida crabbers to approach the Council with a proposal for establishing a management plan that would “restrict participation in the fishery and formalize many of the informal [community-based] standards that the Florida crabbers had already developed to preserve the existing stock” (Crosson et al. 2013).

Based in large part on negotiated input by the crabbers, a formalized Golden Crab FMP was authorized in 1995, with provisions for: participation by a limited number of operators in each of three offshore management zones, various gear restrictions, and specific reporting requirements—all intended to balance effective use and conservation of the resource (SAFMC 1995). A series of amendments have followed to address: vessel size limits upon permit transfer; various gear and gear deployment issues; and management of the resource as it relates to essential fish habitat and ecosystems, national standards, and annual catch limits (NMFS, Southeast Regional Office 2016). Of note, and as discussed in depth by Crosson et al. (2013), efforts to establish an Individual Transferable Quota (ITQ) system for the fishery failed due to differing perspectives among fishery participants representing the three designated management zones along the Florida coastline.

### **Recent Landings Trends**

Given confidentiality concerns, the small number of harvesters and first receivers/dealers involved in the golden crab fishery precludes discussion of landings by individual community.

### **Recent Distribution of Permits**

As indicated in Table 3.4.3.1, the golden crab fishery remains exclusive to east Florida, where the resource is most readily accessed from deep offshore habitats along the Continental Shelf. The fishery remains limited in terms of participation, with the extant program providing for 11

permits in total. The distribution of permits between communities has evolved over time in that permits are no longer held in Fort Lauderdale, Cape Canaveral, or Tiverton. Permitted harvest operations are new to Cape Canaveral. Although two or fewer permits were held by persons in other states prior to 2015, including Massachusetts, Rhode Island, Virginia, and New Jersey, all permits are presently held by persons with Florida addresses. There are no legal provisions for recreational pursuit of the resource.

**Table 3.4.3.1.** Distribution of golden crab limited entry permits by community: 2015-2019.

Community	Number of Permits by Year				
	2015	2016	2017	2018	2019
Fort Lauderdale	1	4	4	3	3
Marathon	2	2	2	2	2
West Palm Beach	2	2	2	2	3
Stuart	1	1	1	1	1
Miami	1	1	--	--	1
Jupiter	1	1	--	--	--
Fort Lauderdale	2	--	1	1	--
Cape Canaveral	1	--	1	1	--
Key West	--	--	--	1	--
Port Canaveral	--	--	--	--	1

Source: NMFS SERO, Access permits database.

### 3.5. Environmental Justice Considerations

Established in 1994, Executive Order 12898 (the order) requires federal agencies to examine the human health and socioeconomic implications of federal actions among low-income and minority groups and populations around the nation. The order requires that such agencies conduct programs, policies, and activities in a manner that ensures no individuals or populations are excluded, denied the benefits of, or subjected to discrimination due to race, color, or nation of origin. Of particular relevance in the context of marine fisheries, federal agencies are further required to collect, maintain, and analyze data regarding patterns of consumption of fish and wildlife among persons who rely on such foods for purposes of subsistence. In sum, the principal intent of the order is to require assessment and due consideration of any “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories.”

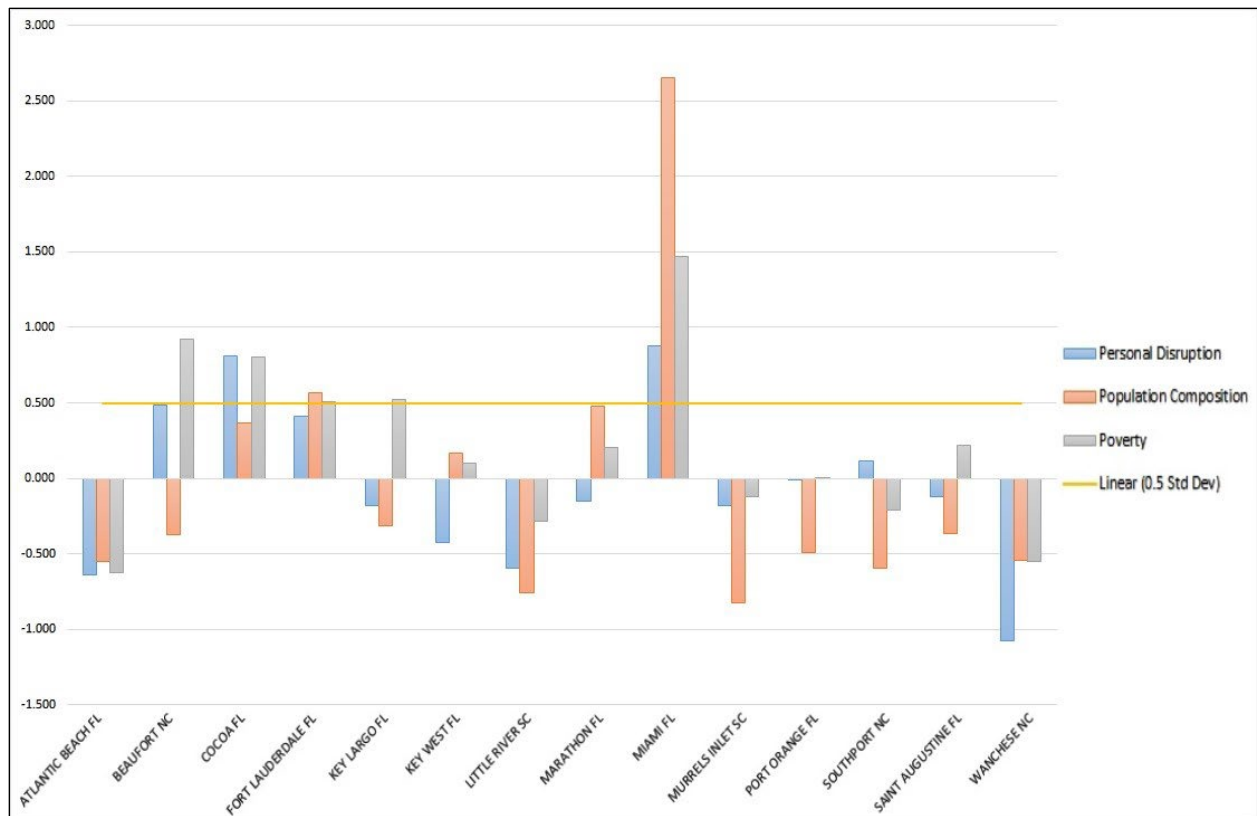
Many forms of data are available to indicate the presence of environmental justice issues among minority and low-income populations and/or indigenous communities potentially affected by federal regulatory and other actions. With the intent of enhancing capacity to determine whether environmental justice issues may be affecting communities around the U.S. where fishing-related industry is an important aspect of the local economy, NMFS social scientists undertook an extensive series of deliberations and review of pertinent data and literature, ultimately selecting key social, economic, and demographic variables that could function to identify social



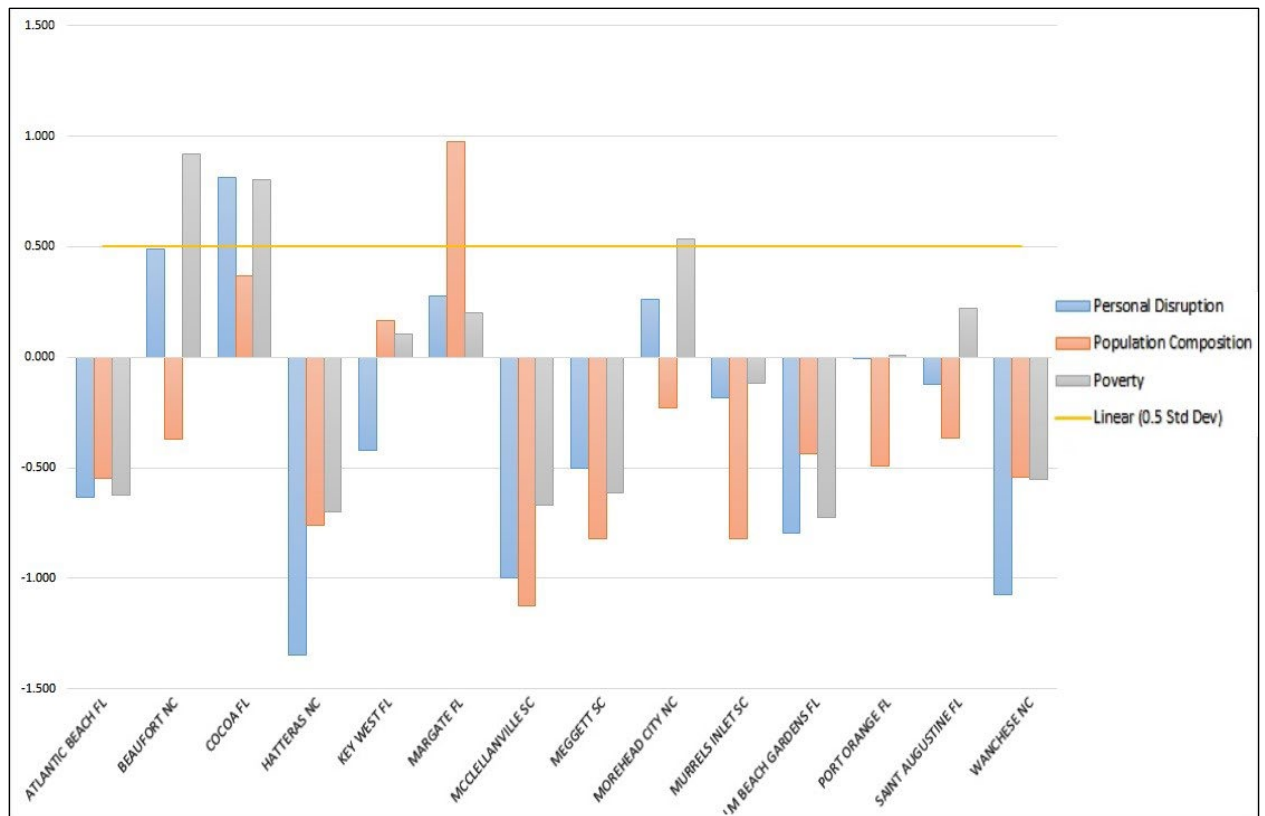
vulnerabilities at the community level of analysis (see Jacob et al. 2013; Jepson and Colburn 2013). Census data such as community-specific rates of poverty, number of households maintained by single females, number of households with children under the age of five, rates of crime, and rates of unemployment, exemplify the types of information chosen to aid in community analysis. Pertinent variables were subsequently used to develop composite indices that could be applied to assess vulnerability to environmental, regulatory, and other sources of change among the nation's fishing- and/or seafood-oriented communities.

As provided in the following figures, three composite indices—termed here as poverty, population composition, and personal disruption—are applied to indicate relative degrees of social vulnerability among communities most thoroughly engaged in the South Atlantic commercial snapper grouper fisheries and the Atlantic dolphin and wahoo commercial fisheries. Mean scores for each community are provided along the y-axis, with means for the vulnerability measures and threshold standard deviations depicted along the x-axis. Scores exceeding the .5 standard deviation level indicate local vulnerability to regulatory and other sources of change. The small number of harvesters and dealers involved in the golden crab fishery impedes the utility of community-level vulnerability analysis for the fishery and thus it is not represented here. However, one participant in the golden crab harvest sector resides in Miami, where indices for local poverty, population, and personal disruption suggest vulnerability to change. The remainder reside in Fort Lauderdale, Marathon, West Palm Beach, and Stuart, where little or no social vulnerability is indicated using the present data.

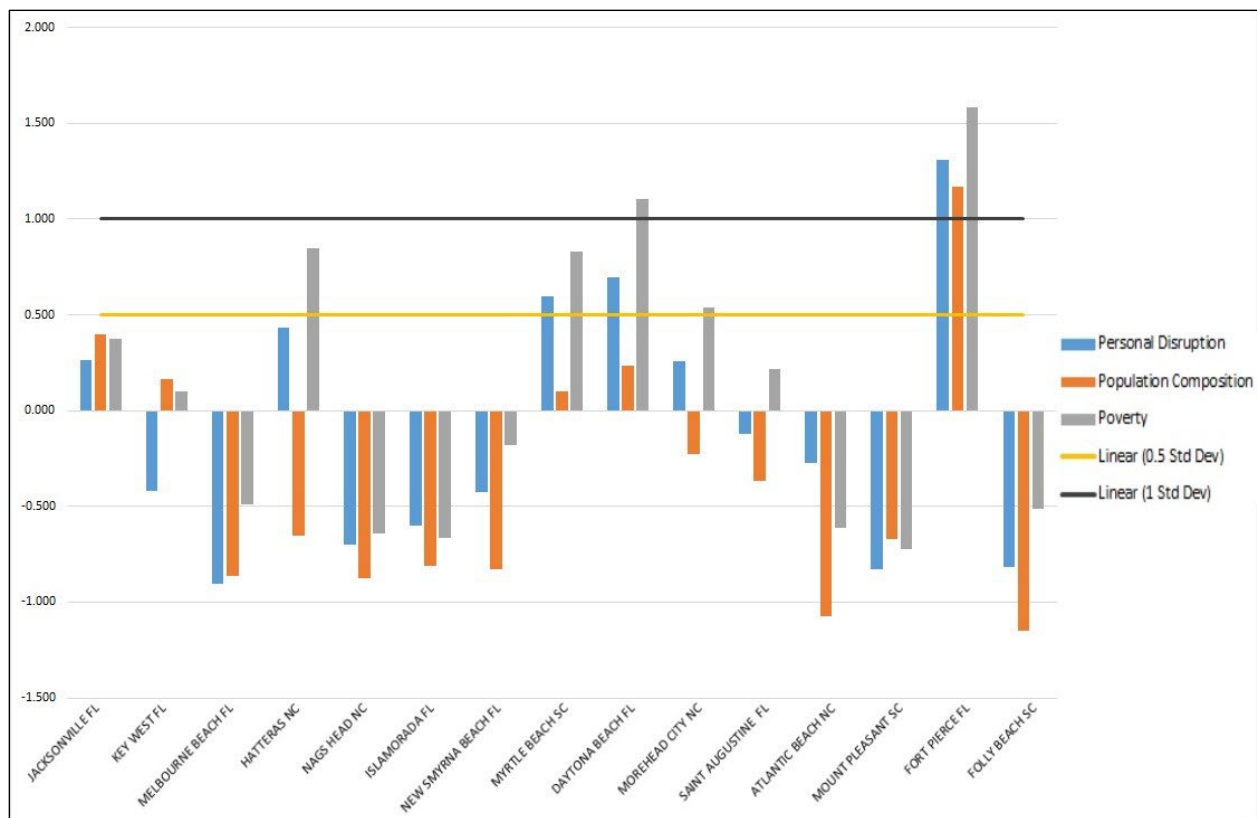
As can be discerned from Figure 3.5.1 below, four of the top snapper grouper landings communities—Cocoa Beach and Miami in Florida, and Beaufort and Morehead City in North Carolina—notably exceed the designated vulnerability threshold for one or more indices. As depicted in Figure 3.5.2, the communities of Beaufort, North Carolina and Margate, Florida—both extensively involved in the Atlantic dolphin and wahoo commercial fisheries—respectively exceed the threshold for poverty and population composition. Finally, Figure 3.5.3 depicts social vulnerability measures for South Atlantic communities most extensively involved in the recreational fishing industry. The data presented here indicate social vulnerability especially in the Florida communities of Daytona Beach and Fort Pierce. All figures derive from data available in the SERO Community Social Vulnerability Indicators (CSVI) Database.



**Figure 3.5.1.** Social vulnerability measures for communities extensively involved in South Atlantic commercial snapper grouper fishing operations.  
 Source: NMFS SERO, CSVI database.



**Figure 3.5.2.** Social vulnerability measures for East Coast communities most extensively involved in Atlantic commercial dolphin and wahoo fishing operations.  
 Source: NMFS SERO, CSVI database.



**Figure 3.5.3.** Social vulnerability measures for South Atlantic communities most extensively involved in the recreational fishing sectors.  
Source: NMFS SERO, CSVI database.

### 3.6. Administrative Environment

#### 3.6.1. Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the EEZ, an area extending 200 nm from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the U.S. EEZ.

Responsibility for federal fishery management decision-making is divided between the U.S. Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for collecting and providing the data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act and with other applicable laws. In most cases, the Secretary has delegated this authority to NMFS.

The Council is responsible for conservation and management of fishery resources in federal waters of the U.S. South Atlantic. For the Snapper Grouper and Golden Crab FMPs, these waters extend from 3 to 200 mi offshore from the seaward boundary of North Carolina, South Carolina, Georgia, and east Florida to Key West. For the Dolphin Wahoo FMP, the Council, in cooperation with the Mid-Atlantic Fishery Management Council and the New England Fishery Management Council, is responsible for conservation and management of dolphin and wahoo in federal waters off the Atlantic states. These waters extend from 3 to 200 mi offshore from the seaward boundary of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and east Florida to Key West. The Council has thirteen voting members: one from NMFS; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. On the Council, there are two public members from each of the four South Atlantic States. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard (USCG), State Department, and Atlantic States Marine Fisheries Commission (ASMFC). The Council has adopted procedures whereby the non-voting members serving on the Council Committees have full voting rights at the Committee level but not at the full Council level. The Council also established two voting seats for the Mid-Atlantic Council on the South Atlantic Mackerel Committee. Council members serve three-year terms and are recommended by state governors and appointed by the Secretary from lists of nominees submitted by state governors. Appointed members may serve a maximum of three consecutive terms.

Public interests also are involved in the fishery management process through participation on Advisory Panels and through council meetings, which, with few exceptions for discussing personnel and legal matters, are open to the public. The Council uses its SSC to review the data and science being used in assessments and fishery management plans/amendments. In addition, the regulatory process is in accordance with the Administrative Procedure Act, in the form of “notice and comment” rulemaking.

### **3.6.2. State Fishery Management**

For the Snapper Grouper and Golden Crab FMPs, the state governments of North Carolina, South Carolina, Georgia, and Florida have the authority to manage fisheries that occur in waters extending three nautical miles from their respective shorelines. North Carolina’s marine fisheries are managed by the Marine Fisheries Division of the North Carolina Department of Environmental Quality. The Marine Resources Division of the South Carolina Department of Natural Resources manages South Carolina’s marine fisheries. Georgia’s marine fisheries are managed by the Coastal Resources Division of the Department of Natural Resources. The Division of Marine Fisheries Management of the Florida Fish and Wildlife Conservation Commission is responsible for managing Florida’s marine fisheries. Each state fishery management agency has a designated seat on the Council. The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. For the Dolphin Wahoo FMP, in addition to the states mentioned above, the state governments of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia have the authority to manage fisheries that occur in waters extending three nautical miles from their respective shorelines. The Department

of Marine Fisheries is responsible for marine fisheries in Maine's state waters. In New Hampshire, marine fisheries are managed by the Marine Fisheries Division of the New Hampshire Fish and Game Department. Massachusetts's marine fisheries are managed by the Division of Marine Fisheries of the Massachusetts Department of Fish and Game. Rhode Island's marine fisheries are managed by the Division of Fish and Wildlife of Rhode Island's Department of Environmental Management. Connecticut manages its marine fisheries through the Department of Energy and Environmental Protection. New York's marine fisheries are managed by the Division of Fish, Wildlife and Marine Resources of the Department of Environmental Conservation. New Jersey manages its marine fisheries through the Division of Fish and Wildlife of the Department of Environmental Protection. Pennsylvania manages its fisheries through the Pennsylvania Fish and Boat Commission. Marine fisheries in Delaware are managed by the Fisheries Section of the Division of Fish and Wildlife. Maryland's Department of Natural Resources manages its marine fisheries. Marine fisheries in Virginia are managed by the Virginia Marine Resources Commission.

The states mentioned above are also involved through Atlantic States Marine Fisheries Commission (ASMFC) in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries. It has significant authority, through the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, to compel adoption of complementary state regulations to conserve coastal species. The ASMFC is also represented at the Council but does not have voting authority at the Council level.

NMFS's State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the ASMFC to develop and implement cooperative State-Federal fisheries regulations.

### **3.6.3. Enforcement**

Both the National Oceanic and Atmospheric Administration's (NOAA) NMFS) Office for Law Enforcement (NOAA/OLE) and the United States Coast Guard (USCG) have the authority and the responsibility to enforce Council regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the states in the Southeast Region (North Carolina), which granted authority to state officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the states has increased through Joint Enforcement Agreements, whereby states conduct patrols that focus on federal priorities and, in

some circumstances, prosecute resultant violators through the state when a state violation has occurred.

The NOAA Office of General Counsel Penalty Policy and Penalty Schedules can be found at <https://www.noaa.gov/general-counsel/organization/enforcement-section/penalty-policy-and-schedules>.

## Chapter 4. Environmental Effects and Comparison of Alternatives

### 4.1. Action 1. Modify the Acceptable Biological Catch Control Rule

#### 4.1.1. Biological Effects

##### Expected Effects to Stocks

In general, stocks are expected to experience positive biological effects when catch is reduced and negative biological effects when catch is increased. This is typically evaluated and compared through projections of future catch under various management measures. However, current acceptable biological catch (ABC) levels for all the species under the Fishery Management Plans (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP), and Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP) would not be changed through this amendment. Therefore, no immediate and direct biological effects (positive or negative) are expected for the stocks managed under these FMPs from **Preferred Alternative 2** (including **Sub-Alternative 2a** and **Preferred Sub-Alternatives 2b** and **2c**) and **Alternative 3** (including **Sub-Alternative 3a**), when compared with **Alternative 1 (No Action)**.

Quantitative effects of Action 1 alternatives on future ABC-setting processes for individual stocks would vary based on assessment information and management decisions made at that time. Therefore, biological effects of Action 1 alternatives are better compared through general principles. One aspect for comparison is how each of the proposed alternatives allows accurate depiction and use of scientific information (including uncertainty) in management decisions. Biological effects among alternatives are also comparable based on how the alternatives differentially evaluate P\* (the accepted probability of overfishing), particularly for stocks with low biomass or characteristics that make them highly susceptible to overfishing. In the long-term, greater indirect and direct positive biological effects could be expected under **Preferred**

#### **Alternatives**

1. (No Action). Control Rule: Table 2.1.1 for Dolphin Wahoo and Golden Crab; for Snapper Grouper  
Risk Tolerance: Included in SSC's ABC criteria  
Overfished Stocks: Unspecified
2. **Control Rule: Table 2.1.2**  
**Risk Tolerance: Council specifies using Table 2.1.3**  
**Overfished Stocks: ABC from Council's specified rebuilding plan**
  - 2a. Change biomass boundaries
  - 2b. Council can deviate, up or down, from default P\* by up to 10%**
  - 2c. Constant and annual ABC recommendations**
3. Control Rule: Table 2.1.4  
Risk Tolerance: Council specifies initial P\* between 30% and 50%, which is then adjusted by the SSC using Table 2.1.4  
Overfished Stocks: ABC from Council's specified rebuilding plan
  - 3a. Constant and annual ABC recommendations

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**



**Alternative 2** (including **Sub-Alternative 2a**, **Preferred Sub-Alternatives 2b** and **2c**), followed by **Alternative 3** (including **Sub-Alternative 3a**), and **Alternative 1 (No Action)**.

**Preferred Alternative 2** (including **Sub-Alternative 2a**, **Preferred Sub-Alternatives 2b** and **2c**) provides more flexibility to both the South Atlantic Fishery Management Council (Council) and its Scientific and Statistical Committee (SSC) to consider management risk and scientific uncertainty, respectively (Table 2.1.1.2). The Council would specify the risk tolerance based on the stock biomass level and a stock risk rating provided by the SSC (Table 2.1.1.3). The ABC would be derived considering four categories, and by applying P\* to a stock projection analysis for assessed stocks or an overfishing limit (OFL) estimated using alternative methods for unassessed stocks, when possible. If an OFL cannot be estimated, the SSC would derive the ABC directly (Table 2.1.1.2). The Council, with advice from the SSC and the respective advisory panels (AP), would evaluate management risk for each stock through a stock risk rating. Stock risk ratings include information currently used in the Productivity and Susceptibility Analysis (PSA), but also incorporate socio-economic and environmental attributes (see [Appendix E](#)). The ABC could be increased via greater risk tolerance from the Council (higher P\*) or less uncertainty in the projection results (i.e., a narrower distribution about OFL) determined by the SSC. The ABC could be decreased via lower risk tolerance from the Council (lower P\*) or more uncertainty in the projections results (i.e., a wider distribution about OFL) determined by the SSC.

**Preferred Alternative 2** (including its sub-alternatives) would have biological benefits in standard application of the ABC control for assessed stocks that are not overfished. **Preferred Alternative 2** would give the SSC the ability to adjust or derive uncertainty of assessment results (ultimately impacting projections of future catch) if they determine it is not adequately estimated through information used in the assessment. **Alternatives 1 (No Action)** and **3** do not give the SSC this ability; these alternatives instead reduce P\* according to evaluations of uncertainty by the SSC. For assessments with a high degree of uncertainty due to factors such as aging difficulty, a short time series of catch, limited observed size or age range, or limited catch reports, adjusting the uncertainty of results (as in **Preferred Alternative 2**) can use the SSC's expertise to better depict the information available (and not available) and the probability that overfishing occurs at a given catch level. Given that at a set P\*, the more uncertain the overfishing limit is (i.e., a wider probability distribution about OFL), the lower the ABC would be, **Preferred Alternative 2** could provide biological benefits to stocks with highly uncertain assessment results in the form of lower ABCs.

**Preferred Alternative 2** would also improve the evaluation of risk tolerance by considering factors beyond the current PSA and expanding the range of reference points used to describe and incorporate relative biomass. Under **Alternative 1 (No Action)**, P\* is adjusted depending on whether biomass exceeds the minimum stock size threshold (MSST; i.e., the stock is not overfished) or is considered in "close proximity" to the MSST. **Preferred Alternative 2** more objectively defines relative biomass categories, considering stocks with biomass below the midpoint between  $B_{MSY}$  and MSST to be "Low Biomass" and those with biomass above  $B_{MSY}$  to be "High Biomass." Therefore, **Preferred Alternative 2** provides biological benefits by requiring higher biomass thresholds to allow higher P\* levels (higher P\* means higher ABC and greater risk of overfishing occurring) to be used in specifying ABC. Within this structure, there is also clearer distinction among stocks that are not overfished, direct connection of relative

biomass categories to  $P^*$  levels, and interaction between stock risk ratings and relative biomass to derive  $P^*$ .

Additionally, **Preferred Alternative 2** provides biological benefits depicted numerically through  $P^*$ . In considering the following comparisons, greater  $P^*$  means greater risk of overfishing and greater ABC. The maximum allowable  $P^*$  under **Alternatives 1 (No Action)** and **3** is 50% (although recommendation of this  $P^*$  level is highly unlikely). Under **Preferred Alternative 2** without any additional sub-alternatives selected, the maximum allowable  $P^*$  would be 45%. **Preferred Sub-Alternative 2b** would allow deviation from the default  $P^*$  value of up to 10% and not to exceed 50%. For stocks that are not overfished but have biomass less than the midpoint between MSST and  $B_{MSY}$ , **Preferred Alternative 2** would be more biologically beneficial than **Alternative 1 (No Action)**. Under **Preferred Alternative 2**, the resultant reduction in  $P^*$  for one of these stocks from the value for OFL (50%) would range from 10% for a low-risk stock to 30% for a high-risk stock. Under **Alternative 1 (No Action)**,  $P^*$  would only be reduced by 2.5% if overfishing is not occurring, by 5% if overfishing is occurring, or by 10% if overfishing status is unknown.

Under **Preferred Alternative 2, Sub-Alternative 2a, Preferred Sub-Alternatives 2b and 2c** can be added to potentially increase positive biological effects. Addition of **Sub-Alternative 2a** would increase positive biological effects by increasing threshold biomass levels necessary to allow higher levels of  $P^*$  (and higher ABC). Addition of **Preferred Sub-Alternative 2b** would be expected to have a net neutral biological effect across stocks but varying impacts for specific stocks, as this sub-alternative allows the Council to adjust  $P^*$  to be higher or lower than the default value from Table 2.1.1.3 by up to 10%, as long as  $P^*$  does not exceed 50%. If the Council increases  $P^*$  for a given stock, this would have negative biological effects, but if the Council decreases  $P^*$ , this would have positive biological effects. Under **Preferred Sub-Alternative 2b**, the Council would have additional flexibility in deviating, up or down, from the accepted probability of overfishing by 10%. Using a 50% probability of overfishing implies negligible scientific uncertainty and sets  $OFL=ABC$ . At  $P^* = 0.50$ , removals above ABC caused by deviations in biological parameters (e.g., natural mortality (M), recruitment) would cause an overfishing determination and delay rebuilding plans. Therefore, adjusting  $P^*$  above the value set by the SSC should be infrequent and well justified based on new scientific understanding and the Council's risk tolerance.

Addition of **Preferred Sub-Alternative 2c** would be expected to have a long-term net neutral biological effect for specific stocks and across stocks. This sub-alternative would allow the Council to request ABC recommendations as a constant value across years and as individual annual values for the same period of years. For stocks that are not overfished (overfished stocks would have a rebuilding plan developed separate from the standard ABC control rule), the cumulative harvest for the projected time period should be similar regardless of whether constant or annually variable harvest is used. Short-term biological effects of each harvest method would vary, and benefits could be maximized by the addition of **Preferred Sub-Alternative 2c** and Council selection of biologically beneficial harvest strategies, depending on relative biomass. Biological benefits would be greater under annually variable harvest in initial years for stocks with biomass below  $B_{MSY}$ , because harvest would start lower than constant harvest levels and increase in later years as biomass increases and approaches  $B_{MSY}$ . Biological benefits would be greater under constant harvest in initial years for stocks with biomass above  $B_{MSY}$ , because

annually variable harvest would start higher than constant harvest levels and decrease in later years as biomass declines and approaches  $B_{MSY}$ .

**Alternative 3** would specify an ABC control rule for the FMPs in this amendment that classifies assessments based on the type of information provided and how uncertainty of information is characterized (Table 2.1.1.4). The Council would set an initial accepted  $P^*$  between 30% and 50%, considering advice from the SSC and the respective APs. The SSC would adjust this value as defined based on assessment information and uncertainty characterization. The adjusted  $P^*$  would then be applied to derive the ABC. ABC for unassessed stocks would be recommended by the SSC based on applicable data-limited methods. For overfished stocks, the Council would specify a stock rebuilding plan, considering recommendations from the SSC and the respective APs, which would determine the ABC while the rebuilding plan is in effect. An OFL would be estimated using alternative methods for unassessed stocks, when possible. If an OFL cannot be estimated, the SSC would derive the ABC directly (Table 2.1.1.4).

Biological effects of **Alternative 3** would be strongly impacted by the Council's risk tolerance, depicted through their initial  $P^*$  level. **Alternative 3** gives the Council flexibility in how this initial  $P^*$  level is determined. Adjustments to  $P^*$  based on assessment information (Tier 1) are greater under **Alternative 3** than **Alternative 1 (No Action)** for similar classifications, thus **Alternative 3** is expected to be more biologically beneficial for stocks with adjustments based on assessment information. Assessment uncertainty is characterized in **Alternative 3** similar to **Alternative 1 (No Action)**, and (as described above) would be less biologically beneficial than **Alternative 2** for stocks with high levels of uncertainty in their assessments.

Under **Alternative 3**, **Sub-Alternative 3a** can be added to potentially increase positive biological effects. **Sub-Alternative 3a** is the same as **Preferred Sub-Alternative 2c**, described above, and addition of this to **Alternative 3** would be expected to have the same biological effects.

For unassessed stocks, **Preferred Alternative 2** and **Alternative 3** would expand the number of considerable methods for estimating OFL and ABC, providing expected biological benefits relative to **Alternative 1 (No Action)**. This would make use of SSC expertise in determining the most appropriate data-limited method for estimating OFL and ABC for each stock or complex. Additionally, the method proposed by these alternatives would reduce the probability that catch levels for unassessed stocks would be based solely on historical catch. Instead, the SSC would explore the vast and growing number of data-limited methods available to make use of available data in some capacity, even if the available data are not enough to support a data-intensive (e.g., age- or length-based) assessment model.

#### **Expected Effects to Bycatch and Discards**

Current ABC for all the species under the FMPs for Snapper Grouper, Dolphin Wahoo, and Golden Crab are not going to change from the actions in this amendment. Therefore, no immediate and direct effects (positive or negative) are expected to bycatch and discards for all the stocks. Any changes to bycatch and discards would be stock-specific and depend on any revisions made to the ABCs and resulting annual catch limits (ACL) after the implementation of this amendment.

### **Expected Effects to Protected Species and Essential Fish Habitat**

Current ABC for all the species under the FMPs for Snapper Grouper, Dolphin Wahoo, and Golden Crab would not change from the actions in this amendment. No change in fishing effort is expected, and there are no changes proposed for gear types used to harvest any species under the FMPs considered in this amendment. Therefore, there are likely to be no additional effects, positive or negative, to protected species from the action alternatives.

Non-longline hook-and-line gear is predominantly used to harvest species in the FMPs addressed by this amendment by the recreational sector. This gear type is the Sustainable Seafood Guide's recommended gear in the U.S. as a "best choice" since this gear has minimal bycatch issues, and does little damage to physical or biogenic habitats (Blue Ocean 2010; Seafood Watch 2016). Pelagic longline gear is used in the commercial sector for dolphin and wahoo in addition to hook-and-line gear, and traps are used to harvest golden crab in deep water. Therefore, no adverse effects on essential fish habitat (EFH), EFH-Habitat Areas of Particular Concern (HAPC), or Coral HAPCs are anticipated. These predicted effects on EFH, EFH-HAPCs, and Coral HAPCs are applicable to all actions in this amendment.

#### **4.1.2. Economic Effects**

Given the wide-ranging applicability of the ABC on a species and scenario basis, the long-term economic effects of Action 1 would vary considerably. Since existing ABCs for species within the Snapper Grouper FMP, Dolphin Wahoo FMP, and Golden Crab FMP would not change as a result of this action, there would be no immediate economic effects and any such effects are not likely to occur for several years after the action is implemented as new ACLs are implemented.

**Alternative 1 (No Action)** would maintain the current ABC control rule which provides less flexibility to the Council and the SSC to incorporate management risk and scientific uncertainty, as well as economic factors, when compared to **Preferred Alternative 2** (including **Sub-Alternative 2a** and **Preferred Sub-Alternatives 2b** and **2c**) and **Alternative 3** (including **Sub-Alternative 3a**). Comparatively, the reduced flexibility under **Alternative 1 (No Action)** could potentially result in reduced long-term economic benefits due to decreased ability to incorporate risk and uncertainty into catch level recommendations which could result in reduced long-term harvest levels and associated economic benefits.

**Preferred Alternative 2** (including **Sub-Alternative 2a** and **Preferred Sub-Alternatives 2b** and **2c**) provides more flexibility to consider management risk and scientific uncertainty. Additionally, **Preferred Alternative 2** allows incorporation of economic information when determining the P\* value for a given species. The addition of economic factors would allow the Council to better consider the long-term economic implications when examining management risk which could lead to better economic outcomes and increase net economic benefits in a fishery for a given species. Additionally, there are anticipated biological benefits from this alternative, which can lead to elevated economic benefits if higher stock levels lead to elevated ABCs and allowable harvest. For the recreational sector, these increased economic benefits may be characterized by improved consumer surplus (CS) for anglers from elevated harvest levels and increased producer surplus (PS) for for-hire businesses if higher ABCs result in increased demand for recreational trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and

thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers, depending on the applicable species.

**Alternative 3** would potentially provide positive biologic and thus associated economic effects. These economic effects would likely be similar to those described for **Preferred Alternative 2**, but potentially to a lesser degree since economic factors would not specifically be incorporated. Under this assumption, the greatest economic benefits would be expected from **Preferred Alternative 2** (including its sub-alternatives), followed by **Alternative 3** (including its sub-alternative), and **Alternative 1 (No Action)**.

### 4.1.3. Social Effects

Setting of the biological parameters for harvest thresholds have few direct social effects as the effects are more indirect from the implementation of the ABC and any subsequent reduction through other alternatives setting ACLs and annual catch targets/accountability measures (AM). Certainly, the more risk averse a control rule or threshold is, the more chances of negative social effects accruing in the short term if harvest is reduced. However, current ABC levels for all species under the Snapper Grouper FMP, Dolphin Wahoo FMP, and Golden Crab FMP would not be changed through this action. Therefore, no immediate and direct social effects (positive or negative) are expected.

**Alternative 1 (No Action)** would not modify the current ABC control rule and would provide less flexibility to the Council and the SSC to consider management risk and scientific uncertainty when compared to **Preferred Alternative 2** and its sub-alternatives and **Alternative 3** and its sub-alternatives. Under **Preferred Alternative 2** the Council, with input from the SSC, Advisory Panels (AP), and public, would evaluate management risk for each stock through a stock risk rating. The proposed changes to the stock risk ratings include biological information currently used in the ABC control rule under **Alternative 1 (No Action)**, but also incorporate social and economic factors for consideration in the decision-making process. The inclusion of social factors would allow the Council to directly consider the importance of a given species to fishing communities and businesses when determining risk tolerance. Incorporation of the social factors would have long-term social benefits in the form of a more accurate ABC. Additionally, formally considering human dimensions in the scientific process may help to improve stakeholder perceptions of the science going into management decisions.

Additionally, and as discussed in Section 4.1, **Preferred Alternative 2** and **Alternative 3** would expand the number of methods available to estimate OFL and ABC, allowing the SSC to explore a variety of methods and levels of data. If these additional methods allow the SSC and Council to set more appropriate OFL and ABC level and ensure the sustainability of fish stocks as envisioned, long-term positive social effects would be realized.

One of the difficulties in understanding what the specific social effects would be is that the cumulative effect of reduced harvest from the combination of all these different species is difficult to ascertain. If a restrictive ABC level is chosen and harvests for all species are reduced, how those reductions would affect fishing behavior would depend upon individual fishing behaviors and sector makeup. These effects can differ dramatically from one region to another or from state to state depending upon the species that are predominant in that area and

the composition of the respective fishing sector. The communities identified within each state in Section 3.4 that have a high regional quotient for their respective species would likely be the communities affected the most by any harvest reductions. Overall, should modifications to the ABC control rule ensure long-term sustainability of snapper grouper, dolphin, wahoo, and golden crab species as envisioned, greater indirect and direct positive social effects would be expected under **Preferred Alternative 2** and its sub-alternatives, followed by **Alternative 3** and its sub-alternative, and **Alternative 1 (No Action)**.

#### 4.1.4. Administrative Effects

Administrative effects would be expected to be greater under **Preferred Alternative 2**, followed by **Alternative 3**, and **Alternative 1 (No Action)**. Administrative burdens would be related to SSC and Council involvement and discussions in addition to the status quo in the ABC and ACL determinations. Additional administrative effects would be related to educational activities by staff in informing all the constituents. The higher administrative burdens under **Preferred Alternative 2** and **Alternative 3** would be beneficial compared with **Alternative 1 (No Action)**, because, as described in Section 4.1.1, both **Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives) would more clearly define the Council's role in specifying risk tolerance and the SSC's role for describing scientific uncertainty when applying the control rule, making best use of the respective bodies' different areas of expertise. Additionally, both **Preferred Alternative 2** and **Alternative 3** would provide additional biological benefits to unassessed stocks through a more flexible process for determining ABC that expands the range of usable methods for these stocks. Finally, both **Preferred Alternative 2** and **Alternative 3** specify a method for determining ABC for overfished stocks from Council-specified rebuilding plans rather than standard application of the ABC control rule. **Alternative 1 (No Action)** does not specify a method for determining ABC for overfished stocks which has led to some confusion and prolonged discussions of how ABC should be specified for these stocks.

## 4.2. Action 2. Allow Phase-in of Acceptable Biological Catch Changes

### 4.2.1. Biological Effects

Sub-Action 2.1 establishes criteria that would specify when phase-in would be allowed. Positive biological effects would be greatest under the alternative with the lowest amount of harvest. Under **Alternative 1 (No Action)** the Council can accomplish the same biological effects as phasing in ABC increases by setting ABC less than the SSC's recommended level and increasing to the recommended level over time. Therefore, comparisons of the biological effects focus on the criteria and allowable time periods for phasing in decreases to the ABC.

**Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives) would allow phase-in of decreases in the ABC which would allow harvest above ABC levels that would be recommended if phase-ins were not allowed. Therefore, positive biological effects for Sub-Action 2.1 would be greatest under **Alternative 1 (No Action)**, followed by **Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives). **Preferred Alternative 2** and **Alternative 3** could both be selected to increase positive biological effects and reduce the probability that a stock would qualify for phase-in of an ABC decrease, but selection of both **Preferred Alternative 2** and **Alternative 3** could still have negative biological effects compared to **Alternative 1 (No Action)**.

Under **Preferred Alternative 2**, phase-in of increases to the ABC would be allowed as specified by the Council. For phase-in of a decrease in the ABC, **Sub-Alternative 2a** is most likely to reduce overall harvest compared with **Sub-Alternative 2b** and **Preferred Sub-Alternative 2c** because it would require the largest change in ABC to allow phase-in of a decrease in the ABC. Therefore, **Sub-Alternative 2a** could have the greatest positive biological effects, followed by **Sub-Alternative 2b**, and **Preferred Sub-Alternative 2c**, respectively, under **Preferred Alternative 2** in Sub-Action 2.1.

Under **Alternative 3**, phase-in of increases to the ABC would be allowed as specified by the Council. For phase-in of a decrease in the ABC, **Sub-Alternatives 3a** and **3b** require information about a stock's biomass, MSST, and maximum sustainable yield (MSY). **Sub-Alternative 3a** would occur if a stock is not overfished. **Sub-Alternative 3b** would occur if the

#### **Alternatives**

Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.

- 1 (No Action). Do not establish phase-in provisions.
- 2. Allow phase-in of ABC increases as specified by the Council. Allow phase-in of decreases in ABC that are less than 60% (Sub-Alt 2a), 70% (Sub-Alt 2b), or 80% (Sub-Alt 2c) of the existing ABC.**
3. Allow phase-in of decreases in ABC if stock biomass exceeds the MSST (Sub-Alt 3a) or  $B_{MSY-MSST}$  midpoint (Sub-Alt 3b).

Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.

- 1 (No Action). No phase-ins allowed.
- 2. Allow phase-in of ABC increases as specified by the Council. ABC decreases may be phased in over no more than 3 years.**
3. ABC decreases may be phased in over no more than 2 years.
4. ABC decreases may be phased in over 1 year.

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

stock biomass is greater than the midpoint between  $B_{MSY}$  and MSST. **Sub-Alternative 3b** is more conservative, requiring a higher biomass to qualify for phase-in, and therefore would be expected to have greater positive biological effects when compared with **Sub-Alternative 3a** under **Alternative 3** in Sub-Action 2.1.

Sub-Action 2.2 specifies the approach taken to accommodate phase-in of changes to the ABC. Under **Preferred Alternative 2** and **Alternatives 3** and **4**, phase-in of increases in ABC would be specified by the Council with advice from its SSC and respective APs. Minimizing the time of phase-in for ABC decreases reduces the number of years when ABC is above the level that would be recommended if phase-ins were not allowed. Therefore, positive biological effects would be greatest under **Alternative 1 (No Action)**, followed by **Alternative 4** (phase-in over no more than 1 year), **Alternative 3** (phase-in over no more than 2 years), and **Preferred Alternative 2** (phase-in over no more than 3 years) (Table 2.2.2.1), under Sub-Action 2.2.

#### 4.2.2. Economic Effects

The ABC for a species along with corresponding ACL that allow for more fish to be landed can result in increased economic benefits if harvest increases without notable effects on the stock of a species. The opposite is applicable to ABCs that allow for lower landings. The ABC and corresponding ACL does not directly impact the fishery for a species unless harvest changes, fishing behavior changes, or the ACL is exceeded, thereby potentially triggering AMs such as harvest closures or other restrictive measures. As such, ABC and corresponding ACLs that are set above observed landings in a fishery for a species and do not change harvest or fishing behavior may not have realized economic effects. If catch levels are set below observed landings in a fishery, thereby leading to measures that restrict harvest, or conversely are set above observed landings and allow harvest to increase then there would be anticipated indirect economic effects.

Under **Alternative 1 (No Action)** for both Sub-Action 2.1 and Sub-Action 2.2, a phase-in of the ABC would continue to not be allowed. This would lead to more immediate short-term reductions in harvest and associated economic benefits, but presumably would allow for the faster rebuilding of a stock and increases in future economic benefits associated with higher catch levels. Conversely, allowing for phase-in of reductions in an ABC could comparatively increase short-term economic benefits through greater levels of harvest in the short-term but would allow for a slower rebuilding of a stock and decreases in future economic benefits associated with lower catch levels. Phasing-in reductions to the ABC could also allow for economic stability and thus increased economic benefits in a fishery by allowing commercial and for-hire business to taper down their dependence on a specific species.

Under Sub-Action 2.1, **Preferred Alternative 2** would specify the criteria for allowing phase-in of reductions in the ABC as a percentage of the existing ABC. **Sub-Alternative 2a** has the highest threshold for allowing the phase-in of a new ABC, thus the lowest probability of the three sub-alternatives within this alternative to be allowed, along with the previously described potential economic benefits of allowing phase-in. **Sub-alternative 2b** and **Preferred Sub-Alternative 2c** would have lower thresholds for allowing the phase-in of a new ABC and higher likelihood of incurring the economic benefits of allowing such a phase-in. **Alternative 3** would establish criteria for allowing phase-in of a new ABC based on the MSST (**Sub-Alternative 3a**)



or  $B_{MSY-MSST}$  midpoint (**Sub-Alternative 3b**). Since these sub-alternatives are based on metrics from a stock assessment and not on the existing ABC, comparison of **Preferred Alternative 2** and **Alternative 3** will vary on a case-by-case scenario, but overall **Alternative 3** would create similar economic effects as those described for **Preferred Alternative 2**.

Sub-Action 2.2 would establish the approach for phasing-in changes to the ABC, with **Preferred Alternative 2** have the longest phase-in period. This alternative would allow for the greatest short-term economic benefits from relatively higher harvest levels and a longer period to adjust to decreasing harvest levels but also allow for the lowest longer-term economic benefits. **Alternatives 3** and **4** would respectively have comparatively lower short-term economic benefits but higher potential long-term economic benefits.

### 4.2.3. Social Effects

Management measures that reduce the number of fish an angler can land typically result in foregone social benefits. However, the ABC and corresponding ACL for any stock do not directly affect resource users unless the ACL is met or exceeded, in which case AMs that restrict, or close harvest could negatively impact commercial, for-hire, and private anglers by restricting harvest during the current season and following seasons. Generally, the higher the ABC and ACL the greater the short-term social benefits that would be expected to accrue if harvest is sustainable. Sub-Action 2.1 and Sub-Action 2.2 establish the criteria that would specify when phase-in of a new ABC would be allowed and the approach for that phase-in respectively.

**Preferred Alternative 2** and **Alternative 3** under Sub-Action 2.1 and their sub-alternatives would allow phase-in of decreases in a stock ABC and would provide additional social benefits when compared to **Alternative 1 (No Action)**. While the stock ABC would ultimately result in the same ABC as **Alternative 1 (No Action)**, under **Preferred Alternative 2** and **Alternative 3** commercial and for-hire business would have additional time to adjust their business plans to account for the full decrease in the ABC level, and associated management restrictions. It would also ensure that fishing opportunities remained available to private recreational fishermen in the interim. Thus, **Sub-Alternative 2c** would have the greatest positive social effects followed by **Sub-Alternative 2b**, and **Preferred Sub-Alternative 2c**. **Alternative 3** would add additional restrictions with **Sub-alternative 3a** being less restrictive than **Sub-alternative 3b**. Similarly, under Sub-Action 2.2 the approach that maximizes the time-period during which the new ABC is phased in would provide the greatest benefit to fishing communities. Thus, the greatest social benefits could be realized under **Preferred Alternative 2**, followed by **Alternative 3**, **Alternative 4**, and **Alternative 1 (No Action)**.

### 4.2.4. Administrative Effects

In Sub-Action 2.1, administrative effects would be expected to be greatest under **Preferred Alternative 2** and **Alternative 3** (including their respective sub-alternatives), when compared with **Alternative 1 (No Action)**. In Sub-Action 2.2, administrative effects would be expected to be greatest under **Alternative 4**, followed by **Alternative 3**, **Preferred Alternative 2**, and **Alternative 1 (No Action)**. Administrative burdens would include SSC, AP, and Council discussions to determine whether a phase-in should be used for a stock. Additionally, if the Council does decide to phase-in an ABC change, additional projections of the ABC that include

the phase-in may need to be requested by the Council and developed by the Southeast Fisheries Science Center. Additional administrative effects would be related to educational activities by staff in informing constituents and enforcement of any changes to the ACLs.

## 4.3. Action 3. Allow Carry-Over of Unharvested Portion of the Annual Catch Limit

### 4.3.1. Biological Effects

Sub-Action 3.1 would establish criteria and specify circumstances when an unharvested portion of the originally specified sector ACL can be carried over from one year to increase the available harvest in the immediate next year. Positive biological effects would be expected from alternatives that allow the lowest amount of harvest. In the context of carry-over eligibility, the greatest positive biological effects would be expected from measures that most limit the occurrence of carry-overs. Therefore, **Alternative 1 (No Action)** would be expected to have greater positive biological effects (by not allowing carry-overs at all) when compared with **Preferred Alternative 2** (including its sub-alternatives).

**Preferred Alternative 2** would allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, and an overfishing limit for the stock is defined. If overfishing occurs, that stock would no longer qualify for carry-over. **Sub-Alternatives 2a, 2b, and 2c** and **Preferred Sub-Alternatives 2d and 2e** are potential additional requirements or limitations that each would be expected to reduce negative biological effects from allowing carry-overs by restricting carry-overs to very specific situations. **Sub-Alternative 2a** would additionally require that stock biomass is greater than the midpoint between  $B_{MSY}$  and MSST. Addition of this requirement is expected to increase the probability that the stock has enough biomass to sustain temporary harvest beyond the specified ABC. **Sub-Alternative 2b** would additionally require that a fishery sector experienced a recent regulatory closure. Addition of this requirement would limit carry-overs to those fisheries that could have harvested more of the ACL (indicated by underharvest) in the absence of an early closure of the fishery. **Sub-Alternative 2c** would additionally require that the sum of recent total landings does not exceed the sum of the total ACLs in the same time period. Addition of this requirement would limit the probability of

#### Alternatives

Sub-Action 3.1. Establish annual criteria specifying when carry-over is allowed.

1 (No Action). Do not establish carry-over provisions.

**2. Allow carry-over if stock has known status, is not overfished or experiencing overfishing, and has a defined OFL.**

Additionally, allow carry-over if biomass exceeds the  $B_{MSY}$ -MSST midpoint (Sub-Alt 2a), the sector has experience a regulatory closure in the last 3 years (Sub-Alt 2b), or the sum of total landings for the 3 previous years is less than the sum of the total ACLs over those years (Sub-Alt 2c). **Do not allow carry-over if ABC decreases are being phased in (Sub-Alt 2d) or there is no post-season accountability measure for that stock and sector (Sub-Alt 2e).**

Sub-Action 3.2. Specify limits on how much unharvested ACL may be carried over.

1 (No Action). No carry-overs allowed.

**2. Allow carry-over of a sector's unharvested ACL. The ABC may be temporarily increased to include the carried over amount, not to exceed the OFL or the total ACL plus the carried over amount, whichever is less.**

3. Allow carry-over of a sector's unharvested ACL. The ABC may be temporarily increased to include the carried over amount, not to exceed the OFL the total ACL plus the carried over amount, or the total ACL plus 25% of the sector ACL, whichever is least.

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

average annual harvest exceeding average ACL over a longer time period. **Preferred Sub-Alternative 2d** would additionally require that carry-overs could not be applied to underharvest of temporary ACLs that are part of a phase-in of an ABC decrease for that stock. Addition of this requirement would reduce negative biological effects by not allowing negative effects of carry-over and phase-in of an ABC decrease to be combined. **Preferred Sub-Alternative 2e** would additionally require that a fishery (sector-specific within a stock) being considered for carry-over must have a post-season accountability measure to be eligible. Addition of this requirement would limit carry-overs only to those fisheries that would have a reduced ACL in the following year as a result of post-season accountability measures when the temporary revised ACL is met, reducing the probability of overfishing occurring. Additional conditions to annually qualify for carry-over under Sub-Action 3.1 can be added on a stock-by-stock basis. Furthermore, the Council would specify whether stocks with split seasons and sub-sector allocations (such as gear allocations) should be eligible for inter-annual carry-over on a case-by-case basis.

In summary, the greatest positive biological effects under Sub-Action 3.1 would be expected from **Alternative 1 (No Action)**, followed by **Preferred Alternative 2**. Within **Preferred Alternative 2**, the greatest positive biological effects would be expected with the addition of **Sub-Alternatives 2a, 2b, and 2c** and **Preferred Sub-Alternatives 2d and 2e**.

Sub-Action 3.2 would determine how much of a sector's unharvested ACL may be carried over to increase the available harvest in the next year. Similar to Sub-Action 3.1, positive biological effects would be expected from alternatives that allow the lowest amount of harvest. In the context of carry-over amount, the greatest positive biological effects would be expected from measures that most limit the amount of ACL that may be carried over. Therefore, **Alternative 1 (No Action)** would be expected to have the greatest positive biological effects (by not allowing carry-overs at all), followed by **Alternative 3**, and **Preferred Alternative 2**, respectively.

**Preferred Alternative 2** would allow carry-over of a sector's unharvested ACL. The ABC may be temporarily increased to include the carried over amount, not to exceed the OFL or the total ACL plus the carried over amount, whichever is less. **Alternative 3** includes all the limitations for carry-over amounts contained in **Preferred Alternative 2**, but also adds that the temporary revised ABC may not exceed the stock's total ACL plus 25% of the sector ACL. Since **Alternative 3** includes an additional limitation of the carry-over amount, it would be expected to have more positive biological effects than **Preferred Alternative 2**.

Both **Preferred Alternative 2** and **Alternative 3** under Sub-Action 3.2 allow multiple eligible sectors to use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total ACL and all sector-specific amounts that could be carried over exceeds the OFL. If that is the case, the temporary ABC would equal the OFL and the difference between the temporary ABC and the specified total ACL would be allocated according to sector allocation percentages defined in the fishery management plan.

### 4.3.2. Economic Effects

ACLs that allow for more fish to be landed can result in increased positive economic effects if harvest increases without notable effects on the stock of a species. The opposite is applicable to ACLs that allow for fewer fish to be landed. The ACL does not directly impact the fishery for a species unless harvest changes, fishing behavior changes, or the ACL is exceeded, thereby potentially triggering AMs such as harvest closures or other restrictive measures. As such, ACLs that are set above observed landings in a fishery for a species and do not change harvest or fishing behavior may not have realized economic effects. If catch levels are set below observed landings for a stock, thereby leading to measures that restrict harvest, or conversely are set above observed landings and allow harvest to increase, then there would be anticipated indirect economic effects.

Allowing carry-over of unused ACL would allow a sector to utilize that portion of the ACL in a subsequent year. This would allow for increased harvest which would increase associated economic benefits. For the recreational sector, these increased economic benefits may be characterized by improved CS for anglers from elevated harvest levels and increased PS for for-hire businesses if higher ACLs result in increases in demand for trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers.

**Alternative 1 (No Action)** for both Sub-Action 3.1 and Sub-Action 3.2 would not allow carry-over of unharvested ACL. As such this would result in comparatively lower economic benefits from foregoing such harvest. For Sub-Action 3.1, **Preferred Alternative 2** and its sub-alternatives (**Sub-Alternatives 2a, 2b, and 2c** and **Preferred Sub-Alternatives 2d and 2e**) would specify criteria for when carry-over of unharvested ACL would be allowed, thus creating the opportunity for increased harvest and associated economic benefits in some circumstances.

Sub-Action 3.2 would specify the limits on how much unharvested ACL could be carried over to subsequent years through a temporary expansion of the ABC. **Preferred Alternative 2** would cap the amount of carry over at the OFL or the total ACL plus the carried over amount, whichever is less. **Alternative 3** would provide the same conditions with the additional restriction that the carry-over could not exceed the total ACL plus 25% of the sector ACL. In comparison, both alternatives would be expected to increase potential short-term economic benefits, with **Preferred Alternative 2** providing slightly higher potential benefits than **Alternative 3** due to fewer restrictions on how much the ABC and resulting ACL could be temporarily increased.

Although difficult to compare the economic effects of each alternative and sub-alternative across sub-actions due to the wide range of applicable circumstance and species, short-term economic benefits are expected to be greater under **Preferred Alternative 2** in Sub-Action 3.1 and **Preferred Alternative 2** and **Alternative 3** in Sub-Action 3.2 compared to **Alternative 1 (No Action)** in each sub-action, respectively.

### 4.3.3. Social Effects

Additional social effects would not be expected from Sub-Action 3.1 - **Alternative 1 (No Action)**, and any unused ACL would continue to be unavailable for harvest the following year. Generally, positive effects would be expected for fishermen from a carry-over of uncaught ACL under **Preferred Alternative 2** if the ACL provides additional opportunities to retain a fish that would otherwise be unavailable the following year. However, there would be no effects from providing a carry-over for a given fish stock if the additional ACL goes unused. If fishing regulations were not a factor in restricting opportunities to retain additional fish, then carrying over additional ACL would not provide additional fishing opportunities. However, broad social benefits would be expected from having a carry-over provision in place, particularly if regulations become more restrictive and the given stock's ACL is not met in the future due to fishing regulations.

**Sub-Alternatives 2a, 2b, and 2c** and **Preferred Sub-Alternatives 2d and 2e** in Sub-Action 3.1 propose additional requirements to implement a carry-over and would be to reduce social benefits by only allowing carry-overs in specific situations. The social benefits expected from Sub-Action 3.1 - **Preferred Alternative 2** and its sub-alternatives would relate to specific fish stock characteristics, desirability, and any changes in fishing opportunities for participants. Section 3.4 describes communities that could be affected by changes to Snapper Grouper, Dolphin Wahoo, or Golden Crab management.

The ACL for any stock does not directly affect resource users unless the ACL is met or exceeded, in which case AMs that restrict, or close harvest could negatively impact the commercial fleet, for-hire fleet, and private anglers. In general, the higher the ACL, the greater the short-term social benefits that would be expected to accrue, assuming long-term recovery and rebuilding goals are met. The highest potential ACL would be expected to result in the most benefits to participants. **Preferred Alternative 2** would allow carry-over of a sector's unharvested ACL so long as it does not exceed the OFL or the total ACL plus the carried over amount. **Alternative 3** adds an addition limit, restricting the ABC to the stock's total ACL plus 25% of the sector ACL. Under the alternatives proposed in Sub-Action 3.2, the greatest benefits to fishery participants, communities, and associated fishing businesses would be expected under **Preferred Alternative 2**, followed by **Alternative 3**, and **Alternative 1 (No Action)**.

### 4.3.4. Administrative Effects

In Sub-Action 3.1, administrative effects would be expected to be greatest under **Preferred Alternative 2** (including its sub-alternatives), when compared with **Alternative 1 (No Action)**. Within **Preferred Alternative 2**, administrative burdens would be expected to be greater under **Sub-alternatives 2a, 2b, and 2c**, when compared with **Preferred Sub-alternatives 2d and 2e**, because of the complexity of calculations in establishing the criteria when carry-over could be allowed. In Sub-Action 3.2, administrative effects would be expected to be greater under **Preferred Alternative 2** and **Alternative 3**, compared to **Alternative 1 (No Action)**. Administrative burdens would include SSC, AP, and Council discussions determining whether a stock can carry over unharvested ACL in years when it meets the conditions defined in Sub-Action 3.1, as well as staff work to incorporate the Council's decision on carry-overs into an amendment or regulatory amendment to the FMP. Additional administrative effects would be

related to educational activities by staff in informing all the constituents and enforcement of any changes to the ACLs.

## 4.4. Action 4. Modify Framework Procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans

### 4.4.1. Biological Effects

No biological effects on any species under the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs would be expected under **Preferred Alternative 2** in Sub-Actions 4.1, 4.2, and 4.3, when compared with **Alternative 1 (No Action)**, because this action (and sub-actions) does not impact the harvest levels of any species in any manner. **Preferred Alternative 2** in Sub-Actions 4.1, 4.2, and 4.3 would modify the current framework procedures in the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs to include carry-overs. When an ABC is specified through an amendment, the Council would specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over would occur.

This action deals purely with framework procedures and is not expected to affect fishing activities in any way, and therefore, would not impact bycatch/discards in the fisheries considered in this amendment.

### 4.4.2. Economic Effects

Modifying the framework procedure for the Snapper Grouper (Sub-Action 4.1), Dolphin Wahoo (Sub-Action 4.2), and Golden Crab (Sub-Action 4.3) FMPs would help implement the ability to carry-over unharvested ACL in a timelier manner. Under **Alternative 1 (No Action)** for each sub-action respectively, carry-over measures could still be implemented but these measures would need to go into place via a plan amendment rather than a framework amendment. Plan amendments typically take longer to put into place, thus increasing the time that the initial potential economic benefits from carry-over could occur. Additionally, there could be higher administrative costs from developing a plan amendment compared to a framework amendment. As such, **Preferred Alternative 2** for each sub-action, which would allow carry-over to be implemented via framework, would likely

### *Alternatives*

Sub-Action 4.1. Modify the Snapper Grouper FMP framework procedures to include carry-overs.

1 (No Action). Do not modify the Snapper Grouper FMP framework procedures.

**2. Modify the Snapper Grouper FMP framework procedures to include carry-overs. When an ABC is specified through an amendment, the Council will specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over will occur.**

Sub-Action 4.2. Modify the Dolphin Wahoo FMP framework procedures to include carry-overs.

1 (No Action). Do not modify the Dolphin Wahoo FMP framework procedures.

**2. Modify the Dolphin Wahoo FMP framework procedures to include carry-overs. When an ABC is specified through an amendment, the Council will specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over will occur.**

Sub-Action 4.3. Modify the Golden Crab FMP framework procedures to include carry-overs.

1 (No Action). Do not modify the Golden Crab FMP framework procedures.

**2. Modify the Golden Crab FMP framework procedures to include carry-overs. When an ABC is specified through an amendment, the Council will specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over will occur.**

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**



result in more timely economic benefits and fewer costs than **Alternative 1 (No Action)**, thus increasing expected net economic benefits.

#### 4.4.3. Social Effects

Modification of the framework procedure of for the Snapper Grouper (Sub-Action 4.1), Dolphin Wahoo (Sub-Action 4.2) and Golden Crab (Sub-Action 4.3) FMPs would not be expected to result in any direct social impacts. Rather, indirect social effects would be expected and would result in broad, long-term social benefits, and minimal negative social effects. Although a framework procedure is currently in place for each FMP (**Alternative 1 (No Action)**), the proposed modifications to improve timeliness and incorporate regulatory updates (**Preferred Alternative 2**) would be expected to contribute to improved management of the stocks and would allow the Council to respond to management needs. The relative speed at which beneficial regulatory changes can be implemented can play a role in determining the magnitude of the anticipated indirect social effects.

**Preferred Alternative 2** would reduce the required time to modify the ACLs if a carryover occurs by allowing the Council to propose changes through the framework procedure. Although **Preferred Alternative 2** reduces the opportunity for public comment of proposed measures, the expedited process is expected to benefit fishery participants through more timely management changes that respond to new information and may result in greater fishing opportunities. Although public involvement is more limited under the framework procedure, standard public participation and review opportunities remain available as part of the framework procedure under all alternatives.

#### 4.4.4. Administrative Effects

**Preferred Alternative 2** under each of Sub-Actions 4.1, 4.2, and 4.3, would be expected to have greater administrative effects compared to **Alternative 1 (No Action)** of those respective sub-actions. Administrative burdens would include SSC, AP, and Council work to develop framework amendments implementing ABCs with carry-over in eligible years. Administrative burdens would also include single season adjustments to ABCs and ACLs for applicable stocks. Additional administrative effects would be related to educational activities by staff in informing all the constituents and enforcement of any changes to the ACLs. In the long-term, the abbreviated process outlined under **Preferred Alternative 2** in Sub-Actions 4.1, 4.2, and 4.3 (Section 2.4.1), would be expected to have beneficial administrative effects in reducing staff time and workload, especially during the rulemaking process.

## Chapter 5. Council’s Choice for the Preferred Alternative

NOTE: Input was not requested from the Law Enforcement Advisory Panel because the actions being addressed in this amendment do not impact on-the-water enforcement of management measures.

### 5.1. Action 1. Modify the Acceptable Biological Catch Control Rule Yield

#### 5.1.1. Snapper Grouper, Dolphin Wahoo, and Golden Crab Advisory Panels Comments and Recommendations

Members of the South Atlantic Fishery Management Council’s (Council) Dolphin Wahoo, Golden Crab, and Snapper Grouper Advisory Panels (AP) convened via webinar on August 10, 2022, to provide comments on the actions considered in the Acceptable Biological Catch Control Rule Amendment. The AP representatives in attendance noted that the comments and recommendations were from a subset of the advisory panels, and differing viewpoints may be found among other AP members as well as public stakeholders.

The APs provided the following comments and recommendations related to Action 1:

- **The AP representatives recommend Preferred Alternative 2.**
  - Aligns SSC and Council with respective roles of science and management.
  - **Also recommend more constant acceptable biological catches (ABC)/annual catch limits (ACL) through Sub-Alternative 2c or Sub-Alternative 3a.**
  - **Also recommend Sub-Alternative 2b.**
    - Gives the Council flexibility to make decisions based on their best judgement.
- The AP representatives expressed concern about scientific information and on-the-water observations not matching up, recently exemplified by high observed red snapper abundance despite the stock assessment concluding that the stock is overfished and experiencing overfishing continues to be an issue for the snapper grouper fishery.

#### **Alternatives**

1. (No Action). Control Rule: Table 2.1.1 for Dolphin Wahoo and Golden Crab; for Snapper Grouper  
Risk Tolerance: Included in SSC’s ABC criteria  
Overfished Stocks: Unspecified
2. **Control Rule: Table 2.1.2**  
**Risk Tolerance: Council specifies using Table 2.1.3**  
**Overfished Stocks: ABC from Council’s specified rebuilding plan**
  - 2a. Change biomass boundaries
  - 2b. Council can deviate, up or down, from default P\* by up to 10%**
  - 2c. Constant and annual ABC recommendations**
3. Control Rule: Table 2.1.4  
Risk Tolerance: Council specifies initial P\* between 30% and 50%, which is then adjusted by the SSC using Table 2.1.4  
Overfished Stocks: ABC from Council’s specified rebuilding plan
  - 3a. Constant and annual ABC recommendations

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

- The AP representatives disagreed with annual changes in ABC/ACLs. A more steady approach is more helpful for planning fishing activities.
- Rather than sudden closures for the remainder of the year when catch limits are reached, management should be more proactive to allow consistent fishing with longer open periods.

### 5.1.2. Scientific and Statistical Committee Comments and Recommendations

SSC comments and recommendations were provided throughout the amendment development process via SSC meetings between 2016 and 2021. Final support for the following comments was stated during the October 2021 SSC meeting:

- The SSC supported modifying the ABC control rule as described in Action 1-**Preferred Alternative 2** because biomass and stock risk rating are included in the Council’s setting of P\*, whereas **Alternative 3** provides less clear guidelines to justify selection of P\*. In addition, the SSC recommends categorizing stock risk ratings as low, medium, or high risk based on whether overall scores are in the highest, middle, or lowest third of scores for all evaluated stocks.
- The SSC recommended not including ecosystem component stocks in the ABC control rule provisions.
- The SSC did not support designing the ABC control rule solely around data or assessment categories or levels, and recommended that the treatment of uncertainty was a more robust and useful categorization approach. (consistent with **Preferred Alternative 2**).
- The SSC supports allowing constant ABC recommendations for 3-5 years. (consistent with **Preferred Sub-Alternative 2c** and **Sub-alternative 3a**)
- The SSC recommends addressing circumstances when the Council can remand, or ask the SSC to reconsider, an ABC recommendation, and developing rules or guidelines to address ABC remands.
- The SSC supports varying risk tolerance by biomass levels and considering the PSA risk categories for assigning stock risk ratings. (consistent with **Preferred Alternative 2**)
- The SSC recommends evaluating risk ratings as part of each stock assessment, and also when necessary to address new information that becomes available for a stock. (consistent with **Preferred Alternative 2**).
- The SSC recommends considering social and economic considerations when evaluating risk tolerance. Fishery Performance reports may be useful to identify factors. (consistent with **Preferred Alternative 2**).
- The SSC supports specifying rebuilding probabilities and considering stock risk categories.
- Scientific uncertainty encompasses both assessment uncertainty and biological uncertainty in our understanding of the stock (i.e., our ability to quantify a stock’s life history, fisheries, etc.). Both assessment uncertainty and biological uncertainty need to be considered in establishing the P\*.
- Category 4/Unassessed Stocks – The SSC supports the establishment of a Working Group to address Category 4 or unassessed stocks with the addition of a standard

Statement of Work as described in the recommendation below. (consistent with **Preferred Alternative 2** and **Alternative 3**).

- Be careful to distinguish between catch and landings given the growing importance of discards in the US South Atlantic.
- Identify stocks with large discard components that are either characterized with data or described in other sources of information.
- Schedule regular review of data-limited literature every 3 to 5 years that would be conducted by the Workgroup and reviewed by the SSC and Council.
- Develop a standard Statement of Work for the Working Group that would include the following:
  - Provide research recommendations on improving ABC setting or SEDAR process.
  - Attention should be paid to the directed vs non-directed nature of each fishery for unassessed/data-limited stocks given that some data-limited approaches may not be applicable for species caught as bycatch.
  - Species identification is an issue for several of these stocks (e.g., black grouper and gag grouper). ABC-setting for complexes rather than individual stocks may address this issue.
- The SSC recommends that the SSC continue to work in collaboration with Council and Advisory Panel members to make any necessary updates to the risk rating scores. This process has great value in its transparency, but the logistics of how changes would be made should be described more explicitly in the document.
- The SSC commends Council staff for providing clear examples of how scientific uncertainty and management risk would be separated and how this would be used in setting a P\*.
- SSC supports removing Tier classifications 4 and 5 under Level 1 and Tier 1 for **Alternative 3**, as those would fall under the unassessed stock categories. Once removed, the percentages should be redistributed among remaining 3 Tier 1 classifications.

### 5.1.3. Public Comments and Recommendations

Scoping sessions were conducted via webinar held on the evenings of January 23 and 24, 2019.

Comments received during scoping related to modifying the acceptable biological catch control rule stated support for:

- Taking action on the ABC control rule.
- Providing an ABC range based on uncertainty.
- Higher levels of risk.
- Clearly stating risk levels as high-medium-low at the Council level, recognizing there will be underlying specific risk percentages associated with the levels and applied by the SSC.

One public hearing was held via webinar on August 24, 2022, and another public hearing was held in-person on September 14, 2022, as part of the public comment session at the Council's September 2022 meeting. Comments were also accepted via email two weeks ahead of each of

these meetings, as well as during previous Council meetings when the ABC Control Rule Amendment was on the agenda. Comments stated support for:

- **Preferred Alternative 2**, specifically supporting this alternative's use of human dimension and ecosystem factors in evaluating risk tolerance.
- Alternatives and sub-alternatives that would maximize management flexibility for the Council.

#### 5.1.4. Council's Conclusion

The Council has selected **Preferred Alternative 2** and **Preferred Sub-Alternatives 2b** and **2c**. **Preferred Sub-Alternative 2** defines the Council as having responsibility for determining risk tolerance (i.e., the accepted probability of overfishing) when applying the ABC control rule. The Council determined that because this approach incorporates human dimension (economic and social factors) and ecosystem components into the evaluation of risk tolerance, it provides a more holistic evaluation than stock status and biological factors alone. **Preferred Alternative 2** was recommended by the SSC as it provides greater flexibility and discretion for the SSC in determining the uncertainty that should accompany population indicators from a stock assessment when determining ABC. **Preferred Alternative 2** also updates the methodology for evaluating the ABC for unassessed stocks by allowing inclusion of the full array of the growing number of data-limited assessment methods, while also making use of SSC expertise to determine the most appropriate method to apply to each stock or complex.

**Preferred Sub-Alternatives 2b** and **2c** respond to public comments requesting the Council be given more flexibility in determining stock risk (**2b**) and that annual catch limits be more consistent, with less of the year-to-year variability associated with fishing at a set fishing mortality rate. Under **Preferred Sub-Alternative 2b**, the Council would have additional flexibility in deviating, up or down, from the accepted probability of overfishing by 10%. Using a 50% probability of overfishing implies negligible scientific uncertainty and sets  $OFL=ABC$ . At  $P^* = 0.50$ , removals above ABC caused by deviations in biological parameters (e.g., natural mortality (M), recruitment) will cause an overfishing determination and delay rebuilding plans. Therefore, adjusting  $P^*$  above the value set by the SSC should be infrequent and well justified based on new scientific understanding and the Council's risk tolerance. Applying a set fishing mortality rate under **Preferred Sub-Alternative 2b** to projected population estimates that change from year to year (the method typically used to estimate ABC) results in harvest levels that change from year to year until the population is projected at the biomass that produces maximum sustainable yield ( $B_{MSY}$ ). These projections maximize immediate harvest, but can cause market volatility based on population fluctuations, create difficulties for stakeholders trying to plan business and fishing activities, and risk "overshooting" the target biomass ( $B_{MSY}$ ) by fishing at higher levels and reducing biomass of stocks that have an initial biomass greater than  $B_{MSY}$ , potentially resulting in those stocks becoming overfished. A consistent ABC over several years forgoes some immediate harvest in situations where biomass is above  $B_{MSY}$ , but sets a predictable harvest level that better allows stakeholders to plan future business and fishing activities and lessens the probability of the stock becoming overfished.

Under **Preferred Sub-Alternative 2c**, the Council can request ABC recommendations from the SSC that depict ABC as both a consistent ABC that does not change from year to year and as a

set fishing mortality rate that would result in ABCs that do change from year to year. The Council would then have the flexibility to choose which ABC recommendation should be applied, based on the needs of the fishery.

The Council's selection of **Preferred Alternative 2** and **Preferred Sub-Alternatives 2b** and **2c** are consistent with the following FMP Goals and Objectives:

#### Dolphin Wahoo

Goal 2 (Access): The recreational and commercial sectors retain access to the dolphin and wahoo resource.

- For the recreational sector, adopt management measures that ensure consistent and predictable access to dolphin and wahoo when they are regionally available as well as maintain abundant stock levels that lead to high encounter rates and elevated trip satisfaction.
- For the commercial sector, adopt management measures that ensure consistent and predictable access to dolphin and wahoo when they are regionally available.

Goal 4 (Economic and Social Importance): Management of the dolphin and wahoo fisheries recognizes and preserves their economic and social importance to both the recreational and commercial sectors.

- Manage the dolphin and wahoo resources to achieve optimum yield on a continuing basis in order to maximize the economic and social net benefits of the fishery.
- Minimize market disruption. In the short-term, commercial markets (mainly local) may be disrupted if large quantities of dolphin are landed from intense commercial harvest or unregulated catch.

#### Golden Crab

Objective 1: Prevent overfishing of golden crab by preventing the fishing mortality rate from exceeding the fishing mortality rate that would produce maximum sustainable yield ( $F_{MSY}$ ).

Objective 2: Provide for a flexible management system that minimizes regulatory delays while retaining substantial Council and public involvement in management decisions, and rapidly adapts to changes in resource abundance, new scientific information, and changes in fishing patterns among user groups.

#### Snapper Grouper

Goal 2 (Management): Adopt management strategies for the snapper grouper fishery that rebuild and maintain fishery resources, adapt to regional differences in the fishery, and consider the social and economic needs of fishing communities.

- Develop innovative management measures that allow consistent access to the fishery for all sectors.
- Ensure that management decisions help maximize social and economic opportunity for all sectors.
- Support management measures that incorporate ecosystem and habitat considerations for the snapper grouper fishery.

Goal 4 (Governance): Commit to a transparent, balanced, and timely decision-making process that allows flexible yet well-defined protocols and strategies for managing the snapper grouper fishery.

- Create an accountable and flexible decision-making process for development and evaluation of management measures.

The Council concluded that **Preferred Alternative 2** and **Preferred Sub-Alternatives 2b** and **2c** best meet the purpose to revise the acceptable biological catch control rules by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks. The preferred alternatives also best meet the objectives of the FMPs, as amended, while complying with the requirements of the Magnuson-Stevens Fishery Conservation Management Act (Magnuson-Stevens Act) and other applicable law.

## 5.2. Action 2. Allow Phase-in of Acceptable Biological Catch Changes

### 5.2.1. Snapper Grouper, Dolphin Wahoo, and Golden Crab Advisory Panels Comments and Recommendations

The APs provided the following comments and recommendations related to Action 2:

- Concern about timing from new ABC recommendations to new catch levels going in place through an amendment. 2-year amendment timeframe limits the ability to predict management effects because of interim years.
  - May make phase-ins an ineffective tool.
  - Hastening the change process would be more useful.
  - More frequent assessments may make phasing-in more useful, but not very useful with current timing.
- Phase-ins could be useful for some species but should be evaluated on a case-by-case basis.
- **The AP representatives recommend Sub-Action 2.1-Sub-Alternative 3a (stock is not overfished) as a criterion for being eligible for phase-in.**
  - Council should have maximum flexibility available.
  - Phase-ins could be most effective for stocks that are not overfished but overfishing is occurring.
- **The AP representatives recommend Preferred Alternative 2 under Sub-Action 2.2 (3-year maximum timeframe).**
  - APs recommend that the Council consider the Stock Risk Rating and stock/fishery characteristics when evaluating the phase-in timeline for an eligible stock.
- Need to account for changes in fishing effort and efficiency when making long-term plans for management.
- Need to be more responsive to both supply and demand of the fishery.
- Assessment infrequency (about every 5 years as most frequent for the region) makes management decisions difficult. The concept of assessment and subsequent management changes only being considered once every 5 years (or longer) makes regulatory changes

#### **Alternatives**

Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.

- 1 (No Action). Do not establish phase-in provisions.
- 2. Allow phase-in of ABC increases as specified by the Council. Allow phase-in of decreases in ABC that are less than 60% (Sub-Alt 2a), 70% (Sub-Alt 2b), or 80% (Sub-Alt 2c) of the existing ABC.**
3. Allow phase-in of decreases in ABC if stock biomass exceeds the MSST (Sub-Alt 3a) or  $B_{MSY-MSST}$  midpoint (Sub-Alt 3b).

Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.

- 1 (No Action). No phase-ins allowed.
- 2. Allow phase-in of ABC increases as specified by the Council. ABC decreases may be phased in over no more than 3 years.**
3. ABC decreases may be phased in over no more than 2 years.
4. ABC decreases may be phased in over 1 year.

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**



more extreme. Many changes to the stock and fishery can occur over 5 years, causing large differences by the time the stock is assessed. Regulatory changes with this infrequency can also cause large overreactions to temporary conditions.

- Sub-Action 2.2-**Preferred Alternative 2** provides the most flexibility and the best chance of stabilizing management.
- General concern about time it takes to make change, especially considering the ease of recreational access and level of recreational effort and efficiency.
  - Increased demand means need to increase supply (stocking or habitat).
  - More holistic and efficient management needed.
- If possible, consider emergency action for more efficient timing to put in temporary changes like phase-ins.

### 5.2.2. Scientific and Statistical Committee Comments and Recommendations

The SSC provided the following comments and recommendations related to Action 2:

- The SSC supports phase-in for stocks above the minimum stock size threshold (MSST).
- Assessment frequency should be considered when evaluating phase-in. It is important to avoid ‘chasing down’ stock reductions. Additionally, long phase-in periods may not be compatible with frequent assessments as the basis for ABC recommendations will change before the prior ABC is reached.
- Management Strategy Evaluations and biological, sociological, and economic considerations may be useful for evaluating phase-in situations and time periods.
- Length of the phase-in period should be considered in the context of the projection time period. Greater uncertainty as projections extend beyond the terminal year. Therefore, it may be necessary to phase in more or less of the change in the second year than the first due to the increase in uncertainty.
- The SSC recommends allowing the use of phase-ins for ABC increases as well as decreases.
- The SSC recommends lifespan or generation time be considered when evaluating and determining time periods for phase-ins.

### 5.2.3. Public Comments and Recommendations

Comments received during scoping related to phase-ins of acceptable biological catch changes stated support for:

- Allowing phase-in “if not over done”.
- Phasing in over 1-2 years, not to exceed 3.
- Taking the greatest cut in year 1.

Comments received during the public hearings and public comment period related to phase-ins of acceptable biological catch changes stated support for:

- Evaluating and using phase-ins where helpful.
- Maximum management flexibility.

## 5.2.4. Council's Conclusion

The Council selected **Preferred Alternative 2** and **Preferred Sub-Alternative 2c** under Sub-Action 2.1 and **Preferred Alternative 2** under Sub-Action 2.2.

Under Sub-Action 2.1, **Preferred Alternative 2** provides the Council increased management flexibility by allowing phase-ins. Allowance of phase-ins, specifically of ABC decreases, enables the Council to set a temporary ABC higher than the SSC's recommended level, which can reduce short-term negative economic and social impacts of large decreases in ABC (and ACL). Under **Preferred Alternative 2**, this added flexibility would not result in overfishing because of the requirement that even temporary ABCs must never exceed the overfishing limit (OFL). **Preferred Sub-Alternative 2c** requires a minimum threshold of difference between the current and new ABCs (20%). This threshold defines a significant enough change to merit phasing in the change, and is more flexible than other minimum threshold levels considered.

Under the preferred alternatives, phase-ins may be used regardless of the stock's biomass relative to reference points, such as MSST. The Council is not required to apply phase-ins to stocks that meet eligibility criteria specified under Action 2. Therefore, the Council will consider whether to apply a phase-in on a case-by-case basis when specifying a stock's ABC through an amendment to the affected FMP. When determining whether a phase-in will be applied, the Council will request input from the SSC and affected AP to consider potential benefits and risks from phasing in the new ABC.

**Preferred Alternative 2** under Sub-Action 2.2 allows the phase-in time period to be up to three years, which is the most flexible alternative considered. The Council may choose a shorter phase-in period. This alternative aligns with federal guidance on phase-ins by setting a maximum timeframe of three years or less, while providing the Council flexibility to weigh costs and benefits of longer and shorter transitions to a new ABC.

The Council's selection of **Preferred Alternative 2** and **Preferred Sub-Alternative 2c** under Sub-Action 2.1 and **Preferred Alternative 2** under Sub-Action 2.2 are consistent with the following FMP Goals and Objectives:

### Dolphin Wahoo

Goal 1 (Precautionary): Management of the dolphin and wahoo fisheries is precautionary, risk-averse, and maintains historic catch levels while preventing overfishing.

- Maintain catch levels that do not exceed catch level recommendations for dolphin or wahoo and do not directly change the balance of landings in comparison to the historic fishery to the extent that conflict is created between the recreational and commercial sectors.

Goal 4 (Economic and Social Importance): Management of the dolphin and wahoo fisheries recognizes and preserves their economic and social importance to both the recreational and commercial sectors.

- Manage the dolphin and wahoo resources to achieve optimum yield on a continuing basis in order to maximize the economic and social net benefits of the fishery.

- Minimize market disruption. In the short-term, commercial markets (mainly local) may be disrupted if large quantities of dolphin are landed from intense commercial harvest or unregulated catch.

Golden Crab:

Objective 2: Provide for a flexible management system that minimizes regulatory delays while retaining substantial Council and public involvement in management decisions, and rapidly adapts to changes in resource abundance, new scientific information, and changes in fishing patterns among user groups.

Snapper Grouper

Goal 2 (Management): Adopt management strategies for the snapper grouper fishery that rebuild and maintain fishery resources, adapt to regional differences in the fishery, and consider the social and economic needs of fishing communities.

- Develop innovative management measures that allow consistent access to the fishery for all sectors.
- Ensure that management decisions help maximize social and economic opportunity for all sectors.

Goal 4 (Governance): Commit to a transparent, balanced, and timely decision-making process that allows flexible yet well-defined protocols and strategies for managing the snapper grouper fishery.

- Create an accountable and flexible decision-making process for development and evaluation of management measures.

The Council concluded that **Preferred Alternative 2** and **Preferred Sub-Alternative 2c** under Sub-Action 2.1 and **Preferred Alternative 2** under Sub-Action 2.2 best meet the purpose to specify conditions and procedures for using phase-ins in setting catch limits. The preferred alternatives also best meet the objectives of the FMPs, as amended, while complying with the requirements of the Magnuson-Stevens Act and other applicable law.

## 5.3. Action 3. Allow Carry-Over of Unharvested Portion of the Annual Catch Limit

### 5.3.1. Snapper Grouper, Dolphin Wahoo, and Golden Crab Advisory Panels Comments and Recommendations

The APs provided the following comments and recommendations related to Action 3:

- **The AP representatives recommended that carry-overs should not be included in the ABC control rule (Alternative 1 (No Action) for all sub-actions in Actions 3 and 4).**
- If a species is underharvested, would need understanding about why.
  - If consistent underharvest, is there a need to carry-over?
  - Extreme increased harvest in one year could be harmful to the stock in the long-term.
  - Don't necessarily need to catch in the future to make up for not catching in the past.
- Carry-over can create annual inconsistency in the ACL; makes planning fishing activities difficult.
- Underharvest can help the stock.
- Accountability and monitoring difficulties for the recreational sector; imprecise measures of knowing how much to carry over and whether an ACL has been met.
- Underharvest, if followed by an ACL increase, can create perception of increased abundance and lead to more directed effort, when in fact underharvest could be indicative of reduced abundance that has not yet been identified by a stock assessment. More directed effort on a potentially reduced abundance increases the likelihood and extent of overfishing.
- Carry-over encourages maintenance of status quo rather than allowing the population to rebuild in years of underharvest. Underharvest can allow single year classes to build up and support fishing activities over several years in the future.
- If biomass is below  $B_{MSY}$ , carry-over slows stocks from reaching  $B_{MSY}$ .

#### **Alternatives**

Sub-Action 3.1. Establish annual criteria specifying when carry-over is allowed.

1 (No Action). Do not establish carry-over provisions.

**2. Allow carry-over if stock has known status, is not overfished or experiencing overfishing, and has a defined OFL.**

Additionally, allow carry-over if biomass exceeds the  $B_{MSY}$ -MSST midpoint (Sub-Alt 2a), the sector has experience a regulatory closure in the last 3 years (Sub-Alt 2b), or the sum of total landings for the 3 previous years is less than the sum of the total ACLs over those years (Sub-Alt 2c). **Do not allow carry-over if ABC decreases are being phased in (Sub-Alt 2d) or there is no post-season accountability measure for that stock and sector (Sub-Alt 2e).**

Sub-Action 3.2. Specify limits on how much unharvested ACL may be carried over.

1 (No Action). No carry-overs allowed.

**2. Allow carry-over of a sector's unharvested ACL. The ABC may be temporarily increased to include the carried over amount, not to exceed the OFL or the total ACL plus the carried over amount, whichever is less.**

3. Allow carry-over of a sector's unharvested ACL. The ABC may be temporarily increased to include the carried over amount, not to exceed the OFL the total ACL plus the carried over amount, or the total ACL plus 25% of the sector ACL, whichever is least.

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

### 5.3.2. Scientific and Statistical Committee Comments and Recommendations

The SSC provided the following comments and recommendations related to Action 3:

- The SSC supported the use of carry-overs if applied to stocks that are neither overfished nor overfishing, and have catch close to the ACL.
- The SSC commented that species' biology is a factor, and the stock consequences of carry-over will differ between short-lived and long-lived stocks.
- The SSC recommended requesting updated stock projections to evaluate carry-over and to provide a basis for ABC recommendations in years after carry-over occurs.
- The SSC recommended considering the precision of catch estimates when allowing carry-over of a percentage of the ACL.
- The SSC recommended adding terms of reference to future assessment reviews and ABC recommendations addressing whether carry-over should be allowed for a stock. The SSC could then consider the stock's condition and trend, past management and fishery trends, and recommended whether carry-over would result in an unacceptable risk of overfishing during the period covered by the ABC recommendation.
- The SSC recommended considering the  $B_{MSY-MSST}$  midpoint as a threshold for carry-over. Carry-over would not be allowed if the stock biomass is below the midpoint (or estimated to fall below the midpoint during the period covered by the ABC recommendation).
- A simpler process than interannual carry-over would be to have a buffer between the ABC and the ACL. This would enable the Council to act without requiring the SSC to meet and consider a temporary ABC revision. The SSC recognizes, though, that adding or expanding a buffer may be problematic because it will increase the likelihood of exceeding the ACL.
- Timeliness of stock assessment advice might not be adequate for this new process.
- The SSC agreed with NMFS Guidance on Carry-Overs (Holland et al. 2020).
- If carry-overs are allowed in situations for which species distribution changes have occurred, this may lead to localized depletion.
- Changing the ACL/ABC may increase the uncertainty in stock projections. For complexes where bycatch is an issue, this may create greater uncertainty in other species and their projections and assessments.
- Council should look to the Southeast Fisheries Science Center (SEFSC) for more information on how best to include the PSE into projections provided to the SSC for any carry-over request given this may vary from stock to stock due to differences among stocks with regards to productivity, generation time, stock assessment frequency, etc.
- If catch PSE is high, it may be difficult to determine whether an underage has actually occurred. To be confident that an underage occurred, estimated catch should be more than two standard deviations below the ACL. To thoroughly address this question, though, a formal analysis of projection methodologies and their associated assumptions used to set ABC/ACLs would need to be conducted that involved the SEFSC.

### 5.3.3. Public Comments and Recommendations

Comments received during scoping related to carry-overs of unharvested portions of the ACL stated support for:

- Allowing carry-over.
- Evaluating and allowing carry-over by sector.

Comments received during scoping opposed allowing carry-over poundage to accumulate over several years.

- Comments received during the public hearings and public comment period related to carry-overs of unharvested portions of the ACL stated opposition to allowing carry-overs, noting the limited applicability for South Atlantic stocks and the potential of more timely assessment information via interim analyses, which could be used to change catch levels when necessary.

### 5.3.4. Council's Conclusion

The Council selected **Preferred Alternative 2** and **Preferred Sub-Alternatives 2d** and **2e** under Sub-Action 3.1 and **Preferred Alternative 2** under Sub-Action 3.2. The preferred alternatives and sub-alternatives provide increase management flexibility by allowing unharvested portions of ACL to be carried over into the next year. Carry-overs provide economic and social benefits by increasing allowable harvest levels following situations where fishermen may have experienced negative impacts from underharvest in the previous year (loss of income, interrupted fishing opportunities due to weather or regulatory closures, etc.). Carry-overs would allow some part of those losses to be recovered in the following year. The selected alternatives and sub-alternatives would allow this additional flexibility while also preventing overfishing by requiring that temporary ABCs that include carry-over must still not exceed the OFL and requiring that stocks using carry-over must have a post-season accountability measure, which prevents long-term average harvest from exceeding the OFL.

**Preferred Alternative 2** under Sub-Action 3.1 allows carry-over to occur for stocks that have a known status, are not overfished or experiencing overfishing, and have a defined OFL.

**Preferred Sub-Alternatives 2d** and **2e** disallow carry-overs while a phase-in is occurring and for stocks that do not have a post-season accountability measure. This combination of requirements makes carry-over applicable to only a few stocks at the time of this amendment's development. However, the Council decided it would be useful to have this management tool in these three FMPs so that it is available for their use when it is appropriate. The preferred alternatives also fulfill federal guidance on carry-overs that requires allowance of this management tool must be included in a fishery management plan. Thus, in the currently rare case that a healthy stock experiences underharvest, the preferred alternatives provide additional management flexibility to better enable harvest of optimum yield.

Under Sub-Action 3.2, **Preferred Alternative 2** defines that ABC may be temporarily increased to accommodate carry-over, but the ABC cannot exceed the OFL. Thus, the amount of carry-over is restricted to the difference between the total ACL and the OFL. For many South Atlantic

stocks, total ACL equals ABC. Therefore, carry-over would often be restricted to the difference between ABC and OFL. **Preferred Alternative 2** allows the greatest flexibility for carry-overs allowed by federal law.

AP and public comments warned against potentially detrimental effects to stocks from using carry-overs, including overfishing of stocks experiencing declines between stock assessments. The Council noted these concerns and determined that while carry-overs can be a useful management tool, they should be used with discretion and thoroughly evaluated as potential applications arise. The Council also noted that additional eligibility requirements beyond those defined under Sub-Action 3.1 could be defined on a stock-by-stock basis.

The Council's selection of **Preferred Alternative 2** and **Preferred Sub-Alternatives 2d** and **2e** under Sub-Action 3.1 and **Preferred Alternative 2** under Sub-Action 3.2 are consistent with the following FMP Goals and Objectives:

#### Dolphin Wahoo

Goal 4 (Economic and Social Importance): Management of the dolphin and wahoo fisheries recognizes and preserves their economic and social importance to both the recreational and commercial sectors.

- Manage the dolphin and wahoo resources to achieve optimum yield on a continuing basis in order to maximize the economic and social net benefits of the fishery.

#### Golden Crab:

Objective 2: Provide for a flexible management system that minimizes regulatory delays while retaining substantial Council and public involvement in management decisions, and rapidly adapts to changes in resource abundance, new scientific information, and changes in fishing patterns among user groups.

#### Snapper Grouper

Goal 2 (Management): Adopt management strategies for the snapper grouper fishery that rebuild and maintain fishery resources, adapt to regional differences in the fishery, and consider the social and economic needs of fishing communities.

- Develop innovative management measures that allow consistent access to the fishery for all sectors.
- Ensure that management decisions help maximize social and economic opportunity for all sectors.
- Develop management measures that reduce and mitigate discards.

Goal 4 (Governance): Commit to a transparent, balanced, and timely decision-making process that allows flexible yet well-defined protocols and strategies for managing the snapper grouper fishery.

- Create an accountable and flexible decision-making process for development and evaluation of management measures.

The Council concluded that **Preferred Alternative 2** and **Preferred Sub-Alternatives 2d** and **2e** under Sub-Action 3.1 and **Preferred Alternative 2** under Sub-Action 3.2 best meet the purpose to specify conditions and procedures for allowing carry-over of unharvested ACLs. The

preferred alternatives also best meet the objectives of the FMPs, as amended, while complying with the requirements of the Magnuson-Stevens Act and other applicable law.



## 5.4. Action 4. Modify Framework Procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans

### 5.4.1. Snapper Grouper, Dolphin Wahoo, and Golden Crab Advisory Panels Comments and Recommendations

The AP representatives recommended that carry-overs should not be included in the ABC control rule (Alternative 1 (No Action) for all sub-actions in Actions 3 and 4). For the APs' full comments and recommendations on carry-overs, see Section 5.3.1.

### 5.4.2. Scientific and Statistical Committee Comments and Recommendations

The SSC did not directly comment on this action as it is oriented toward the process of implementing carry-overs. The SSC's comments and recommendations on carry-overs are in Section 5.3.2.

### 5.4.3. Public Comments and Recommendations

No comments specific to carry-over implementation were provided. Public comments on carry-overs are in Section 5.3.3.

### 5.4.4. Council's Conclusion

Under each of Sub-Actions 4.1, 4.2, and 4.3, the Council selected **Preferred Alternative 2**.

The selected preferred alternatives revise the framework procedures for each of the Snapper Grouper, Dolphin Wahoo, and Golden Crab FMPs to include a process by which carry-overs may be implemented. The defined process allows carry-overs to occur in a more timely manner than that of a plan amendment. A faster process is necessary due to the year-to-year nature of carry-overs. Underharvest may only be carried over in the immediate next year. Therefore, definition of a stock's eligibility and the

#### **Alternatives**

Sub-Action 4.1. Modify the Snapper Grouper FMP framework procedures to include carry-overs.

- 1 (No Action). Do not modify the Snapper Grouper FMP framework procedures.
- 2. Modify the Snapper Grouper FMP framework procedures to include carry-overs. When an ABC is specified through an amendment, the Council will specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over will occur.**

Sub-Action 4.2. Modify the Dolphin Wahoo FMP framework procedures to include carry-overs.

- 1 (No Action). Do not modify the Dolphin Wahoo FMP framework procedures.
- 2. Modify the Dolphin Wahoo FMP framework procedures to include carry-overs. When an ABC is specified through an amendment, the Council will specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over will occur.**

Sub-Action 4.3. Modify the Golden Crab FMP framework procedures to include carry-overs.

- 1 (No Action). Do not modify the Golden Crab FMP framework procedures.
- 2. Modify the Golden Crab FMP framework procedures to include carry-overs. When an ABC is specified through an amendment, the Council will specify whether carry-over is authorized. If carry-over is authorized and annual conditions are met, carry-over will occur.**

\*See Chapter 2 for detailed language of alternatives. **Preferred indicated in bold.**

amount of ACL being carried over must occur fast enough that the fishery has time to harvest the carried over amount within the fishing year following a year of underharvest. The preferred alternatives also provide the Council discretion in determining whether carry-over should be applied to a potentially eligible stock when setting the ABC and ACL.

Because Action 4 establishes a mechanism to implement carry-overs as defined under Action 3, Action 4 would address the same Goals and Objectives for the Dolphin Wahoo FMP, Golden Crab FMP, and Snapper Grouper FMP as described for Action 3 in Section 5.3.4.

The Council concluded that **Preferred Alternative 2** under Sub-Actions 4.1, 4.2, and 4.3 best meets the purpose of modifying framework procedures to accommodate implementation of carry-overs when applicable. The preferred alternatives also best meet the objectives of the FMPs, as amended, while complying with the requirements of the Magnuson-Stevens Act and other applicable law.

## Chapter 6. Cumulative Effects

### 6.1. Affected Area

The South Atlantic Fishery Management Council (Council), in cooperation with the Mid-Atlantic Fishery Management Council, and the New England Fishery Management Council, is responsible for conservation and management of dolphin and wahoo in federal waters off the Atlantic states under the Fishery Management Plan (FMP) for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP). The immediate impact area would be the federal waters from 3-200-miles off the coasts of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and east Florida to Key West. The Council manages species in the FMPs for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) and the Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP) in federal waters 3-200-miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida to Key West. Considering the available information, the extent of the boundaries for the affected area would depend upon the degree of fish immigration/emigration and larval transport, whichever has the greatest geographical range. The ranges of affected species are described in Volume II of the Fishery Ecosystem Plan (SAFMC 2009). For the proposed actions found in the Comprehensive Acceptable Biological Catch Control Rule Amendment, the cumulative effects analysis includes an analysis of data from 2015 through the present.

### 6.2. Past, Present, and Reasonably Foreseeable Actions Impacting the Affected Area

Fishery managers implemented the first significant regulations pertaining to: dolphin and wahoo in 2004 through the Dolphin Wahoo FMP (SAFMC 2003), snapper grouper species in 1983 through the Snapper Grouper FMP (SAFMC 1983), and golden crab in 1995 through the Golden Crab FMP (SAFMC 1995). Listed below are other past, present, and reasonably foreseeable actions occurring in the Atlantic, which, when added to the proposed management measures in the Comprehensive Acceptable Biological Catch Control Rule Amendment, may result in cumulative effects on the biophysical and social and economic environment. The complete history of management of: the dolphin and wahoo fishery can be found in Appendix D (History of Management) of Amendment 7 to the Dolphin Wahoo FMP (SAFMC 2015a), the snapper grouper fishery in Appendix I of Amendment 50 to the Snapper Grouper FMP (SAFMC 2022), and the golden crab fishery in Appendix B of Amendment 9 to the Golden Crab FMP (SAFMC 2015b), and are hereby incorporated by reference. The reader is also referred to the following link for the management history, summary of changes under each amendment, implementation dates, an up-to-date list of amendments under development and more, for species managed under the three FMPs being amended: <https://safmc.net/fishery-management/>

#### ***Actions Affecting the Dolphin Wahoo Fishery***

##### **Past Actions**

Amendment 2 (SAFMC 2011) to the Dolphin Wahoo FMP (Comprehensive Annual Catch Limit (ACL) Amendment), effective on April 16, 2012, established the acceptable biological catch

(ABC), ACL, recreational annual catch target (ACT), accountability measures (AM), and sector allocations for dolphin and wahoo. Recreational landings did not include Monroe County, Florida, and were based on recreational data from the Marine Recreational Fisheries Statistics Survey (MRFSS).

Amendment 5 (SAFMC 2013) to the Dolphin Wahoo FMP, effective on July 9, 2014, revised the ABCs, ACLs (including sector ACLs), recreational ACT, and AMs. Recreational landings did not include Monroe County, Florida, and were based on recreational data from the Marine Recreational Information Program's (MRIP) Coastal Household Telephone Survey (CHTS) method.

Amendment 7 (SAFMC 2015a) to the Dolphin Wahoo FMP, effective on January 27, 2016, allowed dolphin and wahoo fillets to enter the U.S. exclusive economic zone (EEZ) after lawful harvest in The Bahamas, under certain conditions.

Amendment 8 (SAFMC 2015b) to the Dolphin Wahoo FMP, effective on February 22, 2016, revised the sector allocations for dolphin.

Regulatory Amendment 1 (SAFMC 2016a) to the Dolphin Wahoo FMP, effective on March 21, 2017, established a commercial trip limit of 4000 pounds whole weight once 75 percent of the commercial ACL is reached.

Amendment 9 (SAFMC 2017b) to the Dolphin Wahoo FMP (electronic reporting for federally permitted charter vessels and headboats), effective on January 4, 2021, established new, and revised existing, electronic reporting requirements for dolphin and wahoo for-hire vessels to increase and improve fisheries information.

Amendment 12 (SAFMC 2020b) to the Dolphin Wahoo FMP, effective on June 9, 2021, added bullet mackerel and frigate mackerel as ecosystem component species to acknowledge their ecological role as forage fish and achieve ecosystem management objectives.

Amendment 10 (SAFMC 2021) to the Dolphin Wahoo FMP (Dolphin Wahoo Amendment 10), effective on May 2, 2020, revised ABCs, ACLs, sector allocations, and recreational AMs. Additionally, Dolphin Wahoo Amendment 10 allowed possession of dolphin or wahoo when specified unauthorized gear types are onboard a vessel, removed the operator card requirement, and reduced the vessel limit for dolphin.

### **Present Actions**

Regulatory Amendment 3 to the Dolphin Wahoo FMP considers extending size limits and recreational bag and vessel limits for dolphin.

Amendment 4 to the Dolphin Wahoo FMP proposes changing the reporting requirements for commercial vessels reporting through the Coastal Logbook Program to an electronic platform.

### **Reasonably Foreseeable Future Actions**

The Council is considering revisiting the subject of longline gear in the dolphin and wahoo fishery. Development of this amendment could start in late 2023 and continue through 2024.

## *Actions Affecting the Snapper Grouper Fishery*

### **Past Actions**

Amendment 36 (SAFMC 2016b) to the Snapper Grouper FMP, effective on July 31, 2017, was implemented to establish new spawning special management zones (SMZ) to protect spawning areas for snapper grouper species.

Amendment 37 (SAFMC 2016c) to the Snapper Grouper FMP, effective on August 24, 2017, modified the hogfish fishery management unit in response to genetically different stocks along the South Atlantic, specified fishing levels for the two stocks, established a rebuilding plan for the Florida Keys/East Florida stock, and established or revised management measures for both hogfish stocks such as size limits, recreational bag limits, and commercial trip limits.

Amendment 43 (SAFMC 2017c) to the Snapper Grouper FMP, effective on July 26, 2017, specified recreational and commercial ACLs for red snapper beginning in 2018.

Abbreviated Framework 1 (SAFMC 2017a) to the Snapper Grouper FMP, effective on August 27, 2018, was implemented to address overfishing of red grouper, and reduced the commercial and recreational ACLs for red grouper in the South Atlantic EEZ.

Abbreviated Framework 2 (SAFMC 2018) to the Snapper Grouper FMP, effective on May 9, 2019, revised fishing levels for black sea bass and vermilion snapper in response to the latest stock assessments for those species in the South Atlantic.

Amendment 42 (SAFMC 2019a) to the Snapper Grouper FMP, effective on January 8, 2020, added three newly approved sea turtle release devices and updated the regulations to simplify and clarify the specifications for other release gear requirements. The new devices and updates provide more options to fulfill the requirements for sea turtle release gear on board vessels with commercial and charter/for-hire snapper grouper permits in the South Atlantic. The amendment also streamlines the procedure to implement newly approved devices and handling procedures in the future.

Regulatory Amendment 27 (Vision Blueprint Regulatory Amendment 27) (SAFMC 2019d) to the Snapper Grouper FMP, effective on February 26, 2020, addresses specific action items in the 2016-2020 Vision Blueprint for the commercial sector of the snapper grouper fishery. The framework amendment revised commercial regulations for blueline tilefish, snowy grouper, greater amberjack, red porgy, vermilion snapper, almaco jack, Other Jacks Complex (lesser amberjack, almaco jack, and banded rudderfish), queen snapper, silk snapper, blackfin snapper, and gray triggerfish. Actions include modifying fishing seasons, trip limits, and minimum size limits.

Regulatory Amendment 30 (SAFMC 2019b) to the Snapper Grouper FMP, effective on March 9, 2020, revised the rebuilding plan for red grouper, extended the annual spawning closure for that species off North and South Carolina, and established a commercial trip limit.

Regulatory Amendment 26 (Vision Blueprint Regulatory Amendment 26) (SAFMC 2019c) to the Snapper Grouper FMP, effective on March 30, 2020, addresses specific action items in the 2016-2020 Vision Blueprint for the recreational sector of the snapper grouper fishery. The

framework amendment modified the 20-fish aggregate bag limits, and minimum size limits for certain species.

Regulatory Amendment 29 (SAFMC 2020c) to the Snapper Grouper FMP, effective July 15, 2020, modified gear requirements for South Atlantic snapper grouper species. Actions included requirements for descending and venting devices, and modifications to requirements for circle hooks and powerheads.

Abbreviated Framework 3 (SAFMC 2020a) to the Snapper Grouper FMP, effective August 17, 2020, revised fishing levels for blueline tilefish in the South Atlantic region.

Regulatory Amendment 33 (SAFMC 2020d) to the Snapper Grouper FMP, effective August 17, 2020, removed the requirement that if projections indicate the South Atlantic red snapper season (commercial or recreational) would be three days or fewer, the commercial and/or recreational seasons would not open for that fishing year. If this requirement is removed, red snapper harvest could be open for either recreational or commercial harvest for fewer than four days.

Regulatory Amendment 34 (SAFMC 2020e) to the Snapper Grouper FMP, effective May 3, 2021, created 34 special management zones around artificial reefs off North Carolina and South Carolina.

### **Present Actions**

Amendment 49 to the Snapper Grouper FMP would address the results of the latest stock assessment for the greater amberjack stock in the South Atlantic region. This amendment was approved by the Council at their December 2022 meeting.

Amendment 51 to the Snapper Grouper FMP would address the results of the latest stock assessment for the snowy grouper stock in the South Atlantic region. Snowy grouper was determined to be overfished and undergoing overfishing. This amendment was approved by the Council at their December 2022 meeting.

Amendment 53 to the Snapper Grouper FMP would address the results of the latest stock assessment for the gag stock in the South Atlantic region. Gag was determined to be overfished and undergoing overfishing. This amendment was approved by the Council at their March 2023 meeting.

Regulatory Amendment 35 to the Snapper Grouper FMP could include actions to end overfishing of red snapper and management actions to reduce discard mortality for snapper grouper species. This amendment was approved by the Council at their March 2023 meeting.

### **Reasonably Foreseeable Future Actions**

Amendment 44 to the Snapper Grouper FMP and Amendment 55 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico would address the results of the latest stock assessment for the yellowtail snapper stock in the southeast.

Amendment 46 to the Snapper Grouper FMP proposes actions to focus on private recreational permit requirements.

Amendment 54 to the Snapper Grouper FMP proposes changing the reporting requirements for commercial vessels reporting through the Coastal Logbook Program to an electronic platform.

Amendment 55 to the Snapper Grouper FMP would establish a rebuilding plan, revise catch levels, AMs, sector allocations, management measures, and re-organize the shallow-water grouper complex for scamp and yellowmouth grouper.

### **Actions Affecting the Golden Crab Fishery**

#### **Past Actions**

Amendment 9 (SAFMC 2015b) to the Golden Crab FMP modified commercial AMs for golden crab.

Amendment 8 (GMFMC and SAFMC 2013) to the Golden Crab FMP modified permitting and reporting requirements for seafood dealers receiving golden crab.

Amendment 5 (SAFMC 2011) to the Golden Crab FMP established ABC control rule, ABC, ACL, Optimum Yield, and AMs for golden crab.

#### **Present Actions**

There are currently no actions affecting the Golden Crab FMP under development in addition to the Comprehensive ABC Control Rule Amendment.

#### **Reasonably Foreseeable Future Actions**

There are no upcoming actions affecting the Golden Crab FMP.

### **Expected Impacts from Past, Present, and Future Actions**

The intent of Comprehensive ABC Control Rule Amendment is to revise the ABC control rule by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks. Additionally, this amendment will specify conditions and procedures for using carry-overs and phase-ins in setting catch limits, including modification of framework procedures to accommodate implementation of carry-overs when applicable. The proposed actions in Comprehensive ABC Control Rule Amendment are not expected to result in significant cumulative adverse biological or social and economic effects (see Chapter 4). The reader is referred to the Regulatory Impact Review (RIR, Appendix B) for an assessment of the cumulative economic effects of all the actions in this amendment.

In Action 1, no immediate and direct biological effects (positive or negative) are expected for the stocks managed under these FMPs from the alternatives and sub-alternatives, because current ABC levels for all the species in the FMPs in this amendment are not being changed. Similarly, no immediate economic effects are expected, but incorporating economic factors to better inform management risk and scientific uncertainty into the ABC control rules for dolphin and wahoo, snapper grouper species, and golden crab, could lead to better economic outcomes and increase net economic benefits in a fishery for a given species. Incorporation of the social factors would have long-term social benefits in the form of a more accurate ABC. Additionally, formally considering human dimensions in the scientific process may help to improve stakeholder perceptions of the science going into management decisions.

In Action 2, phasing-in an increase in the ABC would be expected to have some positive biological effects for populations with a biomass below the level that would produce maximum sustainable yield ( $B_{MSY}$ ), as fishing mortality would be set below threshold levels (in terms of the maximum fishing mortality threshold or the overfishing limit) and the population would be expected to increase. However, biological benefits would wane as the population biomass approaches  $B_{MSY}$ , and effects would be neutral for a stock whose biomass is at or above  $B_{MSY}$ , because additional biomass potentially gained from foregone harvest would not increase production or yield for stocks with biomass greater than  $B_{MSY}$ . Positive biological effects would be greatest by not allowing phase-in of a decrease in ABC, because this could allow harvest above ABC levels that would be recommended if phase-ins were not allowed. Phasing-in an increase in the ABC could result in potential foregone economic benefits if the phase-in process results in restrictions to landings, along with the associated economic benefits of those landings, that otherwise could have been realized if the phase-in had not occurred and the full ABC, along with the resulting ACL, had been implemented immediately. Phasing-in reductions to the ABC could also allow for economic stability and thus increased economic benefits in a fishery by allowing commercial and for-hire business to taper down their dependence on a specific species. Phasing in an increase in ABC may result in foregone social benefits if the phase-in process resulted in resources users meeting or exceeding their respective ACLs. Phasing in a decrease in ABC could allow commercial and for-hire businesses additional time to adjust their business plans to account for the full decrease in the ABC level, and associated management restrictions. It would also ensure that fishing opportunities remained available to private recreational fishermen in the interim.

In Action 3, regarding carry-over eligibility and how much of a sector's unharvested ACL may be carried over to the next year, the greatest positive biological effects would be expected from measures that most limit the occurrence of carry-overs. It is difficult to compare the economic effects of each alternative and sub-alternative across sub-actions due to the wide range of applicable circumstance and species. Allowing carry-over of unused ACL would allow for increased harvest which would increase associated economic benefits. For the recreational sector, these increased economic benefits may be characterized by improved consumer surplus (CS) for anglers from elevated harvest levels and increased PS for for-hire businesses if higher ACLs result in increases in demand for trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers. Generally, positive effects would be expected for fishermen from a carryover of uncaught quota if the quota provides additional opportunities to retain a fish that would otherwise be unavailable the following year. However, there would be no effects from providing a quota carryover for a given fish stock if the additional quota goes unused.

In Action 4, no biological effects on any species under the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs would be expected because this action does not impact the harvest levels of any species in any manner. Plan amendments typically take longer to put into place, thus increasing the time that the initial potential economic benefits from carry-over could occur. Allowing carry-over to be implemented via framework would likely result in more timely economic benefits and fewer costs. No direct social effects would be expected, rather, indirect



social effects would be expected and would result in broad, long-term social benefits, and minimal negative social effects.

Fishing behavior is not expected to change as a result of the actions in the Comprehensive ABC Control Rule Amendment, because catch levels are not being changed and therefore, the actions are not expected to negatively affect discards and bycatch. The proposed actions in Comprehensive ABC Control Rule Amendment would not change fishing methods for the dolphin and wahoo, snapper grouper, and golden crab fisheries in the U.S. EEZ, and therefore would perpetuate the existing level of risk for interactions between Endangered Species Act listed species and the fisheries. Thus, there is likely to be no additional effects, positive or negative, to protected species from the actions.

When combined with the impacts of past, present, and future actions affecting the dolphin and wahoo, snapper grouper, and golden crab fisheries, minor cumulative impacts are likely to accrue. For example, there could be beneficial cumulative effects from the actions in this amendment, in addition to future proposed actions to revisit ABCs, ACLs, AMs, allocations, gear types, size limits, and other management measures. Also, there may be cumulative social and economic effects by promoting access to these fisheries, which would improve recreational fishing opportunities and benefits to associated businesses and communities. The actions in this amendment are not expected to result in significant cumulative adverse biological or social and economic effects to the dolphin and wahoo, snapper grouper, and golden crab fisheries when combined with the impacts of past, present, and future actions (see Chapter 4).

### **6.3. Consideration of Climate Change and Other Non-Fishery Related Issues**

#### ***Climate Change***

Global climate changes could have significant effects on Atlantic fisheries, though the extent of these effects on the dolphin and wahoo, snapper grouper, and golden crab fisheries is not known at this time. The Environmental Protection Agency's climate change webpage (<https://www.epa.gov/climate-indicators/marine-species-distribution>), and NOAA's Office of Science and Technology climate webpage (<https://www.fisheries.noaa.gov/topic/climate>), provides background information on climate change, including indicators which measure or anticipate effects on oceans, weather and climate, ecosystems, health and society, and greenhouse gases. The United Nations Intergovernmental Panel on Climate Change's Sixth Assessment Report (February 28, 2022), U.S. Global Change Research Program (USGCRP)'s Fourth Climate Assessment (2018), and the Ecosystem Status Report for the U.S. South Atlantic Region (Craig et al. 2021) also provide a compilation of scientific information on climate change. Those findings are summarized below.

Ocean acidification, or a decrease in surface ocean pH due to absorption of anthropogenic carbon dioxide emissions, affects the chemistry and temperature of the water. Increased thermal stratification alters ocean circulation patterns, and causes a loss of sea ice, sea level rise, increased wave height and frequency, reduced upwelling, and changes in precipitation and wind patterns. Changes in coastal and marine ecosystems can influence organism metabolism and alter ecological processes such as productivity, species interactions, migration, range and

distribution, larval and juvenile survival, prey availability, and susceptibility to predators. The “center of biomass,” a geographical representation of each species’ weight distribution, is being used to identify the shifting of fish populations. Warming sea temperature trends in the southeast have been documented, and animals must migrate to cooler waters, if possible, if water temperatures exceed survivable ranges (Needham et al. 2012). Rising water temperatures, ocean acidification, retreating arctic sea ice, sea level rise, high-tide flooding, coastal erosion, higher storm surge, and heavier precipitation events are projected to continue, putting ocean and marine species at risk, decreasing the productivity of certain fisheries, and threatening communities that rely on marine ecosystems for livelihoods and recreation (USGCRP 2018). Harvesting and habitat changes also cause geographic population shifts. Changes in water temperatures may also affect the distribution of native and exotic species, allowing invasive species to establish communities in areas they may not have been able to survive previously. The numerous changes to the marine ecosystem may cause an increased risk of disease in marine biota. An increase in the occurrence and intensity of toxic algae blooms will negatively influence the productivity of keystone animals, such as corals, and critical coastal ecosystems such as wetlands, estuaries, and coral reefs (Kennedy et al. 2002; IPCC 2022). Free et al. (2019) investigated the impacts of historical warming on marine fisheries production and found that climate change is altering habitats for marine fishes and invertebrates, but the net effect of these changes on potential food production is unknown.

Climate driven movement of fish stocks is causing commercial, small-scale, artisanal, and recreational fishing activities to shift poleward and diversify harvests (IPCC 2022). In the South Atlantic Region, species richness and abundance of offshore hard bottom reef fishes have generally declined over time while richness and abundance of demersal fishes in soft sediment habitats on the nearshore shelf have increased. Potential explanations for these patterns include changes in harvest (directed and bycatch), trophic interactions, and environment effects on recruitment (Craig et al. 2021). Climate change may impact dolphin and wahoo, snapper grouper species, and golden crab in the future, but the level of impacts cannot be quantified at this time, nor is the time frame known in which these impacts will occur. Public comments stating the lack of large dolphin in the Florida Keys may have to do with the fish moving out of the area in search of suitable temperature and food availability. Studies have shown that seasonal abundance of dolphin along the east coast of the U.S. and Gulf of Mexico is heavily influenced by sea surface temperature and distance to temperature fronts, chlorophyll-*a* concentration, and *Sargassum* mats (Kleisner 2009; Farrell et al. 2014; Merten et al. 2014).

Patterns from stock assessments in the South Atlantic Region indicate biomass of most assessed species generally show declines from the 1970s through the 1990s with some species showing signs of recovery beginning in the early to mid-2000s. Recruitment of a number of snapper-grouper species has declined since the early 2010s whereas recruitment of Red Snapper and some pelagic species has increased in recent years (Craig et al. 2021). In the near term, it is unlikely that the actions in Comprehensive ABC Control Rule Amendment would compound or exacerbate the ongoing effects of climate change on dolphin and wahoo, snapper grouper species, and golden crab.

### **Weather Variables**

Hurricane season is from June 1 to November 30, and accounts for 97% of all tropical activity affecting the Atlantic basin. These storms, although unpredictable in their annual occurrence,

can devastate areas when they occur. Although these effects may be temporary, those fishing-related businesses whose profitability is marginal may go out of business if a hurricane strikes.

## **6.4. Overall Impacts Expected from Past, Present, and Future Actions**

The proposed actions would ensure catch level recommendations are based on the best scientific information available, prevent overfishing while achieving optimum yield, and include flexibility in setting catch limits as allowed by the Magnuson-Stevens Fishery Conservation and Management Act, and particularly in accordance with 2020 National Marine Fisheries Service (NMFS) guidance on carry-over and phase-in provisions (Holland et al 2020). The actions are expected to incorporate scientific uncertainty and management risk, acceptable risk of overfishing, and the use of stock rebuilding plans for overfished stocks into the ABC control rules for dolphin and wahoo, snapper grouper species, and golden crab. The proposed management actions and comparison of alternatives are summarized in Chapter 2 of this document. Detailed discussions of the magnitude and impacts of the alternatives on the human environment appear in Chapter 4 of this document. None of the impacts of the actions in this amendment, in combination with past, present, and future actions have been determined to be significant. Although several other management actions, in addition to this amendment, are expected to affect dolphin and wahoo, snapper grouper species, and golden crab, any additive effects, beneficial and adverse, are not expected to result in a significant level of cumulative impacts.

The proposed actions would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places as these are not in the Atlantic EEZ. These actions are not likely to result in direct, indirect, or cumulative effects to unique areas, such as significant scientific, cultural, or historical resources, park land, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas as the proposed action is not expected to substantially increase fishing effort or the spatial and/or temporal distribution of current fishing effort within the Atlantic region. The Stellwagen Bank off the Northeastern U.S., U.S.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are within the boundaries of the Atlantic EEZ. The proposed actions are not likely to cause loss or destruction of these national marine sanctuaries because the actions are not expected to result in appreciable changes to current fishing practices. Additionally, the proposed actions are not likely to change the way in which the dolphin and wahoo fishery is prosecuted; therefore, the actions are not expected to result in adverse impacts on health or human safety beyond the status quo.

## **6.5. Monitoring and Mitigation**

Fishery-independent and fishery-dependent data comprise a significant portion of information used in stock assessments. Although there is no stock assessment for some of the species included in this amendment, these data aid in allowing sustainable harvest of these species, while monitoring biological, social, and economic parameters. Fishery-dependent commercial data are collected through the commercial logbook data and recreational data are collected through the Marine Recreational Information Program, Headboat logbook data, and the For-hire electronic logbook program. Fishery-independent data are collected through the Southeast Fishery

Information Survey and the Marine Resources Monitoring Assessment and Prediction Program. The effects of the proposed actions are, and would continue to be, monitored through collection of landings data by the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. NMFS would continue to monitor and collect information on dolphin and wahoo, snapper grouper species, and golden crab, for life history studies, economic and social analysis, and other scientific observations. The proposed actions relate to the harvest of indigenous species in the Atlantic, and the activities/regulations being altered do not introduce non-indigenous species, and are not reasonably expected to facilitate the spread of such species through depressing the populations of native species. Additionally, these alternatives do not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread on non-indigenous species.

## Chapter 7. List of Preparers

Name	Agency/Division	Title
Mike Schmidtke	SAFMC	Fishery Scientist/IPT Lead
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Chip Collier	SAFMC	Deputy Director for Science and Statistics
Mike Errigo	SAFMC	Data analyst
Judd Curtis	SAFMC	Data analyst
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John Hadley	SAFMC	Economist
Cameron Rhodes	SAFMC	Outreach Program Manager
Roger Pugliese	SAFMC	Habitat and Ecosystem Scientist
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Rich Malinowski	SERO/SF	Fishery Biologist (Gulf of Mexico)
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David Dale	SERO/HC	Regional EFH Coordinator
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SAFMC = South Atlantic Fishery Management Council, SERO = Southeast Regional Office, SF = Sustainable Fisheries Division, PR = Protected Resources Division, HC = Habitat Conservation Division, NOAA=National Oceanic and Atmospheric Administration, GC = General Counsel, OLE = Office of Law Enforcement, SEFSC = Southeast Fisheries Science Center

## Chapter 8. Agencies and Persons Consulted

### Responsible Agencies

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### List of Agencies, Organizations, and Persons Consulted

SAFMC Law Enforcement Advisory Panel	South Carolina Coastal Zone Management Program
SAFMC Snapper Grouper Advisory Panel	Georgia Coastal Zone Management Program
SAFMC Dolphin Wahoo Advisory Panel	Florida Coastal Zone Management Program
SAFMC Golden Crab Advisory Panel	Florida Fish and Wildlife Conservation Commission
SAFMC Scientific and Statistical Committee	Georgia Department of Natural Resources
Maine Coastal Zone Management Program	South Carolina Department of Natural Resources
New Hampshire Coastal Zone Management Program	North Carolina Division of Marine Fisheries
Massachusetts Coastal Zone Management Program	North Carolina Sea Grant
Connecticut Coastal Zone Management Program	South Carolina Sea Grant
Rhode Island Coastal Zone Management Program	Georgia Sea Grant
New York Coastal Zone Management Program	Florida Sea Grant
New Jersey Coastal Zone Management Program	Atlantic States Marine Fisheries Commission
Pennsylvania Coastal Zone Management Program	Mid Atlantic Fishery Management Council
Delaware Coastal Zone Management Program	New England Fishery Management Council
Maryland Coastal Zone Management Program	National Marine Fisheries Service
Virginia Coastal Zone Management Program	-Washington Office
North Carolina Coastal Zone Management Program	-Office of Ecology and Conservation
	-Southeast Regional Office
	-Southeast Fisheries Science Center

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## Appendix A. Other Applicable Law

### A.1. Administrative Procedure Act (APA)

All federal rulemaking is governed under the provisions of APA (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the APA, National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect. Comprehensive Acceptable Biological Catch (ABC) Control Rule Amendment complies with the provisions of the APA through the South Atlantic Fishery Management Council’s (Council) extensive use of public meetings, requests for comments and consideration of comments. The proposed rule associated with this amendment will include a request for public comment, and if approved, upon publication of the final rule, there will be a 30-day wait period before the regulations are effective in compliance with the APA.

### A.2. Information Quality Act (IQA)

The IQA (Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-443)) which took effect October 1, 2002, directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidelines to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” OMB directed each federal agency to issue its own guidelines, establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with OMB guidelines, and report periodically to OMB on the number and nature of complaints. The National Oceanic and Atmospheric Administration (NOAA) Section 515 Information Quality Guidelines require a series of actions for each new information product subject to the IQA. Comprehensive ABC Control Rule Amendment uses the best available information and made a broad presentation thereof. The information contained in this document was developed using best available scientific information. Therefore, this document is in compliance with the IQA.

### A.3. Coastal Zone Management Act (CZMA)

Section 307(c)(1) of the federal CZMA of 1972 requires that all federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. While it is the goal of the Council to have management measures that complement those of the states, federal and state administrative procedures vary and regulatory changes are unlikely to be fully instituted at the same time. The Council believes the actions in this amendment are consistent to the maximum extent practicable with the Coastal Zone Management Plans of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and east Florida to Key West. Pursuant to Section 307 of the CZMA, this determination will be submitted to the responsible state agencies who administer the approved Coastal Zone Management Programs in the States of Maine, New Hampshire, Massachusetts,

Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and east Florida to Key West.

#### **A.4. Executive Order 12612: Federalism**

E.O. 12612 requires agencies to be guided by the fundamental federalism principles when formulating and implementing policies that have federalism implications. The purpose of the Order is to guarantee the division of governmental responsibilities between the federal government and the states, as intended by the framers of the Constitution. No federalism issues have been identified relative to the actions proposed in this document and associated regulations. Therefore, preparation of a Federalism assessment under E.O. 12612 is not necessary.

#### **A.5. Executive Order 12962: Recreational Fisheries**

E.O. 12962 requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods. Additionally, the Order establishes a seven-member National Recreational Fisheries Coordination Council responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The National Recreational Fisheries Coordination Council also is responsible for developing, in cooperation with federal agencies, states and tribes, a Recreational Fishery Resource Conservation Plan to include a five-year agenda. Finally, the Order requires NMFS and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

The alternatives considered in this document are consistent with the directives of E.O. 12962.

#### **A.6. Executive Order 13089: Coral Reef Protection**

E.O. 13089, signed by President William Clinton on June 11, 1998, recognizes the ecological, social, and economic values provided by the Nation’s coral reefs and ensures that federal agencies are protecting these ecosystems. More specifically, the Order requires federal agencies to identify actions that may harm U.S. coral reef ecosystems, to utilize their program and authorities to protect and enhance the conditions of such ecosystems, and to ensure that their actions do not degrade the condition of the coral reef ecosystem.

The alternatives considered in this document are consistent with the directives of E.O. 13089.

#### **A.7. Executive Order 13158: Marine Protected Areas (MPAs)**

E.O. 13158 was signed on May 26, 2000, to strengthen the protection of U.S. ocean and coastal resources through the use of MPAs. The E.O. defined MPAs as “any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or

regulations to provide lasting protection for part or all of the natural and cultural resources therein.” It directs federal agencies to work closely with state, local and non-governmental partners to create a comprehensive network of MPAs “representing diverse U.S. marine ecosystems, and the Nation’s natural and cultural resources.”

The alternatives considered in this document are consistent with the directives of E.O. 13158.

## **A.8. National Marine Sanctuaries Act (NMSA)**

Under the NMSA (also known as Title III of the Marine Protection, Research and Sanctuaries Act of 1972), as amended, the U.S. Secretary of Commerce is authorized to designate National Marine Sanctuaries to protect distinctive natural and cultural resources whose protection and beneficial use requires comprehensive planning and management. The National Marine Sanctuary Program is administered by the Sanctuaries and Reserves Division of NOAA. The NMSA provides authority for comprehensive and coordinated conservation and management of these marine areas. The National Marine Sanctuary Program currently comprises 13 sanctuaries around the country, including sites in American Samoa and Hawaii. These sites include significant coral reef and kelp forest habitats, and breeding and feeding grounds of whales, sea lions, sharks, and sea turtles. The three sanctuaries in the South Atlantic exclusive economic zone are the USS Monitor, Gray’s Reef, and Florida Keys National Marine Sanctuaries.

The alternatives considered in this document are not expected to have any adverse impacts on the resources managed by the National Marine Sanctuaries.

## **A.9. Paperwork Reduction Act (PRA)**

The purpose of the PRA is to minimize the burden on the public. The PRA is intended to ensure that the information collected under the proposed action is needed and is collected in an efficient manner (44 U.S.C. 3501 (1)). The authority to manage information collection and record keeping requirements is vested with the Director of the Office of Management and Budget (OMB). This authority encompasses establishment of guidelines and policies, approval of information collection requests, and reduction of paperwork burdens and duplications. The PRA requires NMFS to obtain approval from the OMB before requesting most types of fishery information from the public. Actions in this document are not expected to affect PRA.

## **A.10. Public Law 99-659: Vessel Safety**

Public Law 99-659 amended the Magnuson-Stevens Fishery Conservation and Management Act to require that a Fishery Management Plan (FMP) or FMP amendment must consider, and may provide for, temporary adjustments (after consultation with the U.S. Coast Guard and persons utilizing the fishery) regarding access to a fishery for vessels that would be otherwise prevented from participating in the fishery because of safety concerns related to weather or to other ocean conditions. No vessel would be forced to participate in South Atlantic fisheries under adverse weather or ocean conditions as a result of the imposition of management regulations proposed in this amendment. No concerns have been raised by South Atlantic fishermen or by the U.S. Coast Guard that the proposed management measures directly or indirectly pose a hazard to crew or vessel safety under adverse weather or ocean conditions



## Appendix B. Regulatory Impact Review

### B.1. Introduction

The National Marine Fisheries Service (NMFS) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest to satisfy the obligations under Executive Order (E.O.) 12866, as amended. In conjunction with the analysis of direct and indirect effects in the “Environmental Consequences” section of this Amendment, the RIR: 1) provides a comprehensive review of the level and incidence of impacts associated with a regulatory action; 2) provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives which could be used to solve the problem; and 3) ensures that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost effective way. The RIR also serves as the basis for determining whether any proposed regulations are a "significant regulatory action" under certain criteria provided in Executive Order (E.O.) 12866. In addition, the RIR provides some information that may be used in conducting an analysis of the effects on small entities pursuant to the Regulatory Flexibility Act (RFA). This RIR analyzes the effects this regulatory action would be expected to have on the recreational and commercial sectors of the dolphin wahoo, snapper grouper, and golden crab fisheries.

### B.2. Problems and Objectives

The problems and objectives for the proposed actions are presented in Section 1.4 of this amendment and are incorporated herein by reference.

### B.3. Description of Fisheries

A description of the commercial and recreational sectors of the dolphin wahoo, snapper grouper, and golden crab fisheries is provided in Section 3.3 of this amendment and is incorporated herein by reference.

### B.4. Effects of Management Measures

#### **Action 1. Modify the Acceptable Biological Catch Control Rule**

A detailed analysis and discussion of the expected economic effects of the proposed action is included in Section 4.1.2. The following discussion summarizes the expected economic effects of the South Atlantic Fishery Management Council (Council) preferred alternative relative to the No Action alternative (i.e., the status quo).

Given the wide-ranging applicability of the acceptable biological catches (ABC) on a species and scenario basis, the long-term economic effects of Action 1 would vary considerably. Since existing ABCs for species within the Fishery Management Plans (FMP) for the Snapper Grouper Fishery of the South Atlantic (Snapper Grouper FMP), , Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP), and Golden Crab Fishery of the South Atlantic (Golden Crab FMP) would not change as a result of this action, there would be no immediate economic effects

and any such effects are not likely to occur for several years after the action is implemented, at the time when new annual catch limits (ACL) are implemented.

**Preferred Alternative 2** (including **Preferred Sub-Alternative 2b** and **Preferred Sub-Alternative 2c**) provides more flexibility to consider management risk and scientific uncertainty. Additionally, **Preferred Alternative 2** allows incorporation of economic information when determining the P\* value for a given species. The addition of economic factors would allow the South Atlantic Fishery Management Council (Council) to better consider the long-term economic implications when examining management risk which could lead to better economic outcomes and increase net economic benefits in a fishery for a given species. Additionally, there are anticipated biological benefits from this alternative, which can lead to elevated economic benefits if higher stock levels lead to elevated ABCs and allowable harvest. For the recreational sector, these increased economic benefits may be characterized by improved consumer surplus (CS) for anglers from elevated harvest levels and increased producer surplus (PS) for for-hire businesses if higher ABCs result in increased demand for recreational trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers, depending on the applicable species. Greater economic benefits would be expected from **Preferred Alternative 2** (including its preferred sub-alternatives) in comparison to **Alternative 1 (No Action)**.

## **Action 2. Allow phase-in of acceptable biological catch changes**

### **Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.**

### **Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.**

A detailed analysis and discussion of the expected economic effects of the proposed action is included in Section 4.2.2. The following discussion summarizes the expected economic effects of the Council preferred alternative relative to the No Action alternative (i.e., the status quo).

The ABC for a species along with corresponding ACLs that allow for more fish to be landed can result in increased economic benefits if harvest increases without notable effects on the stock of a species. The opposite is applicable to ABCs that allow for lower landings. The ABC and corresponding ACL do not directly impact the fishery for a species unless harvest changes, fishing behavior changes, or the ACL is exceeded, thereby potentially triggering accountability measures (AM) such as harvest closures or other restrictive measures. As such, ABC and corresponding ACLs that are set above observed landings in a fishery for a species and do not change harvest or fishing behavior may not have realized economic effects. If catch levels are set below observed landings in a fishery, thereby leading to measures that restrict harvest, or conversely are set above observed landings and allow harvest to increase then there would be anticipated in-direct economic effects.

Allowing for phase-in of reductions in an ABC could comparatively increase short-term economic benefits through greater levels of harvest in the short-term but would allow for a slower rebuilding of a stock and decreases in future economic benefits associated with lower catch levels. Phasing-in reductions to the ABC could also allow for economic stability and thus

increased economic benefits in a fishery by allowing commercial and for-hire business to taper down their dependence on a specific species.

Under Sub-Action 2.1, **Preferred Alternative 2** would specify the criteria for allowing phase-in of reductions in the ABC as a percentage of the existing ABC. **Preferred Sub-Alternative 2c** would have a comparatively lower threshold for allowing the phase-in of a new ABC and thus a higher likelihood of incurring the economic benefits of allowing such a phase-in. Greater economic benefits would be expected from **Preferred Sub-Alternative 2c** in comparison to **Alternative 1 (No Action)**.

Sub-Action 2.2 would establish the approach for phasing-in changes to the ABC, with **Preferred Alternative 2** have the longest phase-in period being considered (3 years). This alternative would allow for the greatest short-term economic benefits from relatively higher harvest levels and a longer period to adjust to decreasing harvest levels but also allow for the lowest longer-term economic benefits. Greater economic benefits would be expected from **Preferred Alternative 2** in comparison to **Alternative 1 (No Action)**.

### **Action 3. Allow carry-over of unharvested portion of the annual catch limit under the control rule adopted from Action 1**

**Sub-Action 3.1. Establish annual criteria specifying when carry-over is allowed.**

**Sub-Action 3.2. Specify limits on how much unharvested ACL may be carried over.**

A detailed analysis and discussion of the expected economic effects of the proposed action is included in Section 4.3.2. The following discussion summarizes the expected economic effects of the Council preferred alternative relative to the No Action alternative (i.e., the status quo).

ACLs that allow for more fish to be landed can result in increased positive economic effects if harvest increases without notable effects on the stock of a species. The opposite is applicable to ACLs that allow for fewer fish to be landed. The ACL does not directly impact the fishery for a species unless harvest changes, fishing behavior changes, or the ACL is exceeded, thereby potentially triggering AMs such as harvest closures or other restrictive measures. As such, ACLs that are set above observed landings in a fishery for a species and do not change harvest or fishing behavior may not have realized economic effects. If catch levels are set below observed landings in a fishery, thereby leading to measures that restrict harvest, or conversely are set above observed landings and allow harvest to increase then there would be anticipated in-direct economic effects.

Allowing carry-over of unused ACL would allow a sector to utilize that portion of the ACL in a subsequent year. This would allow for increased harvest which would increase associated economic benefits. For the recreational sector, these increased economic benefits may be characterized by improved CS for anglers from elevated harvest levels and increased PS for for-hire businesses if higher ACLs result in increases in demand for trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers.

For Sub-Action 3.1, **Preferred Alternative 2** and its preferred sub-alternatives (**Preferred Sub-Alternatives 2d** and **2e**) would specify criteria for when carry-over of unharvested ACL would be allowed, thus creating the opportunity for increased harvest and associated economic benefits in some circumstances. Greater economic benefits would be expected from **Preferred Alternative 2** in comparison to **Alternative 1 (No Action)**.

Sub-Action 3.2 would specify the limits on how much unharvested ACL could be carried over to subsequent years through a temporary expansion of the ABC. **Preferred Alternative 2** would cap the amount of carry over at the OFL or the total ACL plus the carried over amount, whichever is less. This alternative would be expected in increase potential short-term economic benefits in comparison to **Alternative 1 (No Action)**.

#### **Action 4. Modify framework procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab FMPs**

**Sub-Action 4.1. Modify the Snapper Grouper FMP framework procedures to include carry-overs.**

**Sub-Action 4.2. Modify the Dolphin Wahoo FMP framework procedures to include carry-overs.**

**Sub-Action 4.3. Modify the Golden Crab FMP framework procedures to include carry-overs.**

A detailed analysis and discussion of the expected economic effects of the proposed action is included in Section 4.4.2. The following discussion summarizes the expected economic effects of the Council preferred alternative relative to the No Action alternative (i.e., the status quo).

Modifying the framework procedure for the Snapper Grouper (Sub-Action 4.1), Dolphin and Wahoo (Sub-Action 4.2), and Golden Crab (Sub-Action 4.3) FMPs would help implement the ability to carry-over unharvested ACL in a timelier manner. Under **Alternative 1 (No Action)** for each sub-action respectively, carry-over measures could still be implemented but these measures would need to go into place via a plan amendment rather than a framework amendment. Plan amendments typically take longer to put into place, thus increasing the time that the initial potential economic benefits from carry-over could occur. Additionally, there could be higher administrative costs from developing a plan amendment compared to a framework amendment. As such, **Preferred Alternative 2** for each sub-action, which would allow carry-over to be implemented via framework, would likely result in more timely economic benefits and fewer costs than **Alternative 1 (No Action)**, thus increasing expected net economic benefits.

## **B.5. Public Costs of Regulations**

The preparation, implementation, enforcement, and monitoring of this or any federal action involves the expenditure of public and private resources, which can be expressed as costs associated with the regulations. Costs to the private sector are discussed in the effects of management measures. Estimated public costs associated with this action include:

Council costs of document preparation, meetings, public hearings, and information dissemination \$32,060

NMFS administrative costs of document preparation, meetings, and review	\$47,868
TOTAL	\$79,928

The estimate provided above does not include any law enforcement costs. Any enforcement duties associated with this action would be expected to be covered under routine enforcement costs rather than an expenditure of new funds. The Council and NMFS administrative costs directly attributable to this amendment and the rulemaking process would be incurred prior to the effective date of the final rule implementing this amendment.

## **B.6. Net Benefits of Regulatory Action**

The analyses of the changes in economic benefits indicates an increase in net economic benefits to the recreational sector, an increase in net economic benefits to the commercial sector, and an increase in total net economic benefits when implemented. Due to the wide range of applicable scenarios as well as the unforeseeable future outcomes of the actions within this amendment, these anticipated increase in net economic benefits cannot be quantified.

The estimated non-discounted public costs resulting from the regulation are \$79,928 (2019 \$). The costs resulting from the amendment and the associated rulemaking process should not be discounted as they will be incurred prior to the effective date of the final rule. Based on the quantified economic effects, this action would decrease net benefits to the Nation. However, as discussed qualitatively in Effects of Management Measures section, there are potential economic benefits that could mitigate or outweigh the quantified costs. Based on these qualitative and quantitative analyses, the effect on net economic benefits is unclear and there is the potential that this regulatory action could increase net benefits to the Nation.

## **B.7. Determination of Significant Regulatory Action**

Pursuant to E.O. 12866, a regulation is considered a “significant regulatory action” if it is likely to result in: 1) an annual effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; 2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; 3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or 4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this executive order. Based on the information provided above, these actions have been determined to not be economically significant for the purposes of E.O. 12866.

## Appendix C. Regulatory Flexibility Act Analysis

### C.1. Introduction

The purpose of the Regulatory Flexibility Act (RFA) is to establish a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes to fit regulatory and informational requirements to the scale of businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure such proposals are given serious consideration. The RFA does not contain any decision criteria; instead the purpose of the RFA is to inform the agency, as well as the public, of the expected economic effects of various alternatives contained in the regulatory action and to ensure the agency considers alternatives that minimize the expected economic effects on small entities while meeting the goals and objectives of the applicable statutes (e.g., the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)).

With certain exceptions, the RFA requires agencies to conduct an initial regulatory flexibility analysis (IRFA) for each proposed rule. The IRFA is designed to assess the effects various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those effects. An IRFA is primarily conducted to determine whether the proposed regulatory action would have a significant economic effect on a substantial number of small entities. In addition to analyses conducted for the Regulatory Impact Review (RIR), the IRFA provides: 1) a description of the reasons why action by the agency is being considered; 2) a succinct statement of the objectives of, and legal basis for, the proposed regulatory action; 3) a description and, where feasible, an estimate of the number of small entities to which the proposed regulatory action will apply; 4) a description of the projected reporting, record-keeping, and other compliance requirements of the proposed regulatory action, including an estimate of the classes of small entities which will be subject to the requirements of the report or record; 5) an identification, to the extent practicable, of all relevant federal rules, which may duplicate, overlap, or conflict with the proposed rule; and 6) a description of any significant alternatives to the proposed regulatory action which accomplish the stated objectives of applicable statutes and would minimize any significant economic effects of the proposed regulatory action on small entities.

In addition to the information provided in this section, additional information on the expected economic effects of the proposed action is included in the RIR.

### C.2. Statement of the Need for, Objective of, and Legal Basis for the Proposed Action

A discussion of the reasons why action by the agency is being considered is provided in Section 1.4. The purposes of this proposed regulatory action are to revise the acceptable biological catch control rule by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks; specify conditions and procedures for using carry-overs and phase-ins in setting catch limits; and modify framework procedures to

accommodate implementation of carry-overs when applicable. The objectives of this proposed regulatory action are to ensure catch level recommendations are based on the best scientific information available, prevent overfishing while achieving optimum yield, and include flexibility in setting catch limits as allowed by the Magnuson-Stevens Act and in accordance with the National Marine Fisheries Service’s guidance on carry-over and phase-in provisions.

### **C.3. Description and Estimate of the Number of Small Entities to Which the Proposed Action Would Apply**

This proposed regulatory action would revise the acceptable biological catch (ABC) control rule and framework procedures for the Fishery Management Plans (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP), Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP), and Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP). Specifically, this proposed regulatory action would revise the ABC control rule to better distinguish the roles of the South Atlantic Fishery Management Council (Council) and its Scientific and Statistical Committee (SSC) in determining risk and uncertainty components, include provisions for phasing in ABC changes, include provisions for carrying over unharvested portions of annual catch limits (ACL), and revise framework procedures to include a procedure for implementing carry-overs when allowance of carry-over is specified in the FMP and the sector meets annual eligibility requirements. Even though this proposed regulatory action would alter the existing regulations to allow transfer of the unharvested total or sector-specific ACL to the following fishing year, it would not implement any new management measures and is therefore administrative in nature. As such, this proposed regulatory action would not directly regulate any small entities.

### **C.4. Description of the Projected Reporting, Record-Keeping and Other Compliance Requirements of the Proposed Action, Including an Estimate of the Classes of Small Entities Which Will Be Subject to the Requirement and the Type of Professional Skills Necessary for the Preparation of the Report or Records**

This proposed action would not establish any new reporting, record-keeping, or other compliance requirements.

### **C.5. Identification of All Relevant Federal Rules, Which May Duplicate, Overlap, or Conflict with the Proposed Action**

No duplicative, overlapping, or conflicting federal rules have been identified.

## **C.6. Significance of Economic Impacts on a Substantial Number of Small Entities**

### **Substantial Number of Small Entities Criterion**

This proposed regulatory action, if implemented, is not expected to directly regulate any small entities. Therefore, this proposed action is not expected to affect a substantial number of small entities.

### **Significant Economic Impact Criterion**

The outcome of “significant economic impact” can be ascertained by examining two factors: disproportionality and profitability.

Disproportionality: Do the regulations place a substantial number of small entities at a significant competitive disadvantage to large entities?

No entities are expected to be directly affected by this regulatory action. Thus, the issue of disproportionality does not arise in the present case.

Profitability: Do the regulations significantly reduce profits for a substantial number of small entities?

No entities are expected to be directly affected by this regulatory action and therefore profits would also not be expected to be affected.

Based on the information above, a significant reduction in profits for a substantial number of small entities is not expected as a result of this proposed regulatory action.

## **C.7. Description of the Significant Alternatives to the Proposed Action and Discussion of How the Alternatives Attempt to Minimize Economic Impacts on Small Entities**

This proposed regulatory action, if implemented, is not expected to directly regulate any small entities and therefore would not affect the profits of any small entity. As a result, the issue of significant alternatives is not relevant.



## **Appendix D. Essential Fish Habitat and Move to Ecosystem Based Management**

### **D.1. EFH and EFH-HAPC Designations and Cooperative Habitat Policy Development and Protection**

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires federal fishery management Councils and the National Marine Fisheries Service (NMFS) to designate essential fish habitat (EFH) for species managed under federal fishery management plans (FMP). Federal regulations that implement the EFH program encourage fishery management Councils and NMFS also to designate subsets of EFH to highlight priority areas within EFH for conservation and management. These subsets of EFH are called EFH-Habitat Areas of Particular Concern (EFH-HAPCs or HAPCs) and are designated based on ecological importance, susceptibility to human-induced environmental degradation, susceptibility to stress from development, or rarity of the habitat type. Information supporting EFH and EFH-HAPC designations was updated (pursuant to the EFH Final Rule) in Fishery Ecosystem Plan (FEP) II.

#### **D.1.1. South Atlantic Council EFH User Guide**

The [EFH Users Guide](#) developed during the FEP II development process is available through the FEP II Dashboard and provides a comprehensive list of the designations of EFH and EFH-HAPCs for all species managed by the South Atlantic Fishery Management Council (Council) and the clarifications identified during FEP II development. As noted above, additional detailed information supporting the EFH designations appears in FEP, FEP II, and in individual FMPs, and general information on the EFH provisions of the Magnuson-Stevens Act and its implementing regulations (50 CFR 900 [Subparts J](#) and [K](#)). These sources should be reviewed for information on the components of EFH assessments, steps to EFH consultations, and other aspects of EFH program operation.

#### **D.1.2. South Atlantic Council EFH Policy and EFH Policy Statements Policy for Protection and Restoration of EFH South Atlantic Council Habitat and Environmental Protection Policy**

In recognizing that species are dependent on the quantity and quality of their essential habitats, it is the policy of the Council to protect, restore, and develop habitats upon which fisheries species depend; to increase the extent of their distribution and abundance; and to improve their productive capacity for the benefit of present and future generations. For purposes of this policy, “habitat” is defined as the physical, chemical, and biological parameters that are necessary for continued productivity of the species that is being managed. The objectives of the Council policy will be accomplished through the recommendation of no net loss or significant environmental degradation of existing habitat. A long-term objective is to support and promote a net-gain of fisheries habitat through the restoration and rehabilitation of the productive capacity of habitats that have been degraded, and the creation and development of productive habitats where increased fishery production is probable. The

Council will pursue these goals at state, Federal, and local levels. The Council shall assume an aggressive role in the protection and enhancement of habitats important to fishery species and shall actively enter federal decision-making processes where proposed actions may otherwise compromise the productivity of fishery resources of concern to the Council.

### **D.1.3. South Atlantic Council EFH Policy Statements Considerations to Reduce or Eliminate the Impacts of Non-Fishing Activities on EFH**

In addition to implementing regulations to protect habitat from degradation due to fishing activities, the Council in cooperation with NMFS, actively comments on non-fishing projects or policies that may impact fish habitat. The Council established a Habitat Protection and Ecosystem Based Management Advisory Panel (AP) and adopted a comment and policy development process. Members of the AP serve as the Council's habitat contacts and professionals in the field and have guided the Council's development of the following Policy Statements:

- [EFH Policy Statement on South Atlantic Climate Variability and Fisheries \(December 2016\)](#)
- [EFH Policy Statement on South Atlantic Food Webs and Connectivity \(December 2016\)](#)
- [Protection and Restoration of EFH from Marine Aquaculture \(June 2014\)](#)
- [Protection and Enhancement of Marine Submerged Aquatic Vegetation \(June 2014\)](#)
- [Protection and Restoration of EFH from Beach Dredging and Filling, Beach Re-nourishment and Large Scale Coastal Engineering \(March 2015\)](#)
- [Protection and Restoration of EFH from Energy Exploration, Development, Transportation and Hydropower Re-Licensing \(December 2015\)](#)
- [Protection and Restoration of EFH from Alterations to Riverine, Estuarine and Nearshore Flows \(June 2014\)](#)
- [Policies for the Protection of South Atlantic Marine & Estuarine Ecosystems from Non-Native and Invasive Species \(June 2014\)](#)
- [Policy Considerations for Development of Artificial Reefs in the South Atlantic Region and Protection of Essential Fish Habitat \(September 2017\)](#)

## **D.2. Habitat Conservation and Fishery Ecosystem Plans**

The Council views habitat conservation as the foundation in the move to Ecosystem Based Fishery Management (EBFM) in the region. The Council has been proactive in advancing habitat conservation through extensive gear restrictions in all Council FMPs and by directly managing habitat and fisheries affecting those habitats through two FMPs, the [FMP for Coral, Coral Reefs and Live/Hard Bottom Habitat of the South Atlantic Region](#) (Coral FMP) and the [FMP for the Sargassum Fishery of the South Atlantic Region](#). The FMP for the Dolphin and Wahoo Fishery in the Atlantic represents a proactive FMP which established fishery measures and identified EFH in advance of overfishing or habitat impacts from the fisheries.

Building on the long-term conservation approach, the Council facilitated the evolution of the Habitat Plan into the first FEP to provide a clear description and understanding of the fundamental physical, biological, and human/institutional context of ecosystems within which

fisheries are managed and identify information needed and how that information should be used in the context of FMPs. Developing a South Atlantic FEP required a greater understanding of the South Atlantic ecosystem, including both the complex relationships among humans, marine life, the environment and essential fish habitat and a more comprehensive understanding of the biological, social, and economic impacts of management necessary to initiate the transition from single species management to EBFM in the region. To support the move towards EBFM, the Council adopted broad goals: (1) maintaining or improving ecosystem structure and function; (2) maintaining or improving economic, social, and cultural benefits from resources; and (3) maintaining or improving biological, economic, and cultural diversity.

### **D.3. Ecosystem Approach to Conservation and Management of Deep-water Ecosystems**

Through [Comprehensive Ecosystem-Based Amendment 1](#), [Comprehensive Ecosystem-Based Amendment 2](#), and [Coral Amendment 8](#), the Council established and expanded deep-water coral HAPCs (CHAPCs) and co-designated them as EFH-HAPCs to protect the largest continuous distribution (>23,000 square miles) of pristine deep-water coral ecosystems in the world from fishing and non-fishing activities.

### **D.4. FEP II Development**

The Council developed FEP II in cooperation with NMFS, as a mechanism to incorporate ecosystem principles, goals, and policies into the fishery management process, including consideration of potential indirect effects of fisheries on food web linkages when developing harvest strategies and management plans. Council policies developed through the process support data collection, model and supporting tool development, and implementation of FEP II. FEP II and the FEP II Implementation Plan provide a system to incorporate ecosystem considerations into the management process.

FEP II was developed employing writing and review teams established from the Council's Habitat Protection and Ecosystem Based Management AP, and experts from state, federal, non-governmental organizations (NGOs), academia and other regional organizations and associations. Unlike the original Plan, FEP II is a living continually developing online information system presenting core sections and sections with links to documents or other online systems with detailed updated information on species, habitat, fisheries and research. A core part of the FEP II development process involved engaging the Council's Habitat Protection and Ecosystem Based Management AP and regional experts in developing new sections and ecosystem-specific policy statements to address South Atlantic food webs and connectivity and South Atlantic climate variability and fisheries. In addition, standing essential fish habitat policy statements were updated and a new artificial reef habitat policy statement was approved. In combination, these statements advance habitat conservation and the move to EBFM in the region. They also serve as the basis for further policy development, consideration in habitat and fish stock assessments and future management of fisheries and habitat. They also support a more comprehensive view of conservation and management in the South Atlantic and identify long-term information needs, available models, tools, and capabilities that will advance EBFM in the region.

### **D.4.1.FEP II Dashboard (In Transition to New Habitat and Ecosystem Page)**

The FEP II Dashboard and associated online tools provided a clear description of the fundamental physical, biological, human, and institutional context of South Atlantic ecosystems within which fisheries are managed. The Council’s new website (under development) will include a new Habitat and Ecosystem page where the FEP II Dashboard layout shown below will be refined and integrated.

- Introduction
- South Atlantic Ecosystem
- South Atlantic Habitats
- Managed Species
- Social and Economic
- Essential Fish Habitat
- SAFMC Managed Areas
- Research & Monitoring
- SAFMC Tools

## **D.5. NOAA EBFM Activities Supporting FEP II**

### **D.5.1.NOAA EBFM Policy and Road Map**

To support the move to EBFM, NMFS developed an agency-wide EBFM Policy and Road Map available through Ecosystem page (under revision) of the FEP II Dashboard that outlines a set of principles to guide actions and decisions over the long-term to: implement ecosystem-level planning; advance our understanding of ecosystem processes; prioritize vulnerabilities and risks to ecosystems and their components; explore and address trade-offs within an ecosystem; incorporate ecosystem considerations into management advice; and maintain resilient ecosystems.

### **D.5.2.FEP II Implementation Plan Structure and Framework**

The Implementation Plan is structured to translate approved policy statements of the Council into actionable items. The plan encompasses chapters beginning with an introduction to the policy statement, a link to the complete policy statement, and a table which translates policies and policy components into potential action items. The actions within the plan are recommendations for activities that could support the Council’s FEP II policies and objectives.

### **D.5.3.FEP II Two Year Roadmap**

The FEP II Two Year Roadmap draws from the Implementation Plan and presents three to five priority actions for each of the nine approved policy statements of the Council. The Roadmap provides “Potential Partners” and other potential regional collaborators, a focused list of priority actions they could cooperate with the Council on to advance policies supporting the move to EBFM in the South Atlantic region.

#### **D.5.4. Monitoring/Revisions to FEP II Implementation Plan**

FEP II and this supporting Implementation Plan are considered active and living documents. The Implementation Plan will be reviewed and updated periodically. The Council’s Habitat Protection and Ecosystem Based Management Committee will review, revise and refine those recommendations for Council consideration and approval for inclusion into the implementation plan.

#### **D.6. Regional Habitat and Ecosystem Partners**

The Council, with the Habitat Protection and Ecosystem Based Management AP as the foundation, collaborates with regional partners to create a comprehensive habitat and ecosystem network in the region to enhance habitat conservation and EBFM.

Detailed information and links to partners are highlighted online:

[https://ocean.floridamarine.org/safmc\\_dashboard/partners.html](https://ocean.floridamarine.org/safmc_dashboard/partners.html).

#### **D.7. Regional Ecosystem Modeling in the South Atlantic**

##### **D.7.1. South Atlantic Ecopath with Ecosim Model**

The Council worked cooperatively with the University of British Columbia and the Sea Around Us project to develop a straw-man and preliminary food web models (Ecopath with Ecosim) to characterize the ecological relationships of South Atlantic species, including those managed by the Council. This effort helped the Council and cooperators identify available information and data gaps while providing insight into ecosystem function. More importantly, the model development process provided a vehicle to identify research necessary to better define populations, fisheries, and their interrelationships. While individual efforts were underway in the South Atlantic, only with significant investment of resources through other programs was a comprehensive regional model further developed.

The current South Atlantic Ecopath with Ecosim (EwE) model provides a more complete view of the system and supports potential future evaluations that may be possible with the model. With the model complete and tuned to the available data it can be used to address broad strategic issues and explore “what if” scenarios that could then be used to address tactical decision-making questions such as provide ecosystem context for single species management, address species assemblage questions, and address spatial questions using Ecospace.

A modeling team comprised of FWRI staff, Council staff and other technical experts as needed, will coordinate with members of the original Ecosystem Modeling Workgroup to maintain and further refine the South Atlantic model.

## D.8. Tools supporting Habitat Conservation and EBFM in the South Atlantic Region

The Council developed a Habitat Conservation and Ecosystem Management Section which provided access to the FEP II Digital Dashboard and associated tools which is under development with the new website. Florida's FWRI maintains and distributes GIS data, imagery, and documents relevant to habitat conservation and ecosystem-based fishery management in their jurisdiction. Web Services and spatial representations of EFH and other habitat related layers are accessible through the Council's [SAFMC Atlas](#), a platform for searching and visualizing GIS data relevant to the Council's mission and download of GIS layers and information on regional partners is available through the [SAFMC Digital Dashboard](#). The online systems provide access to the following Services:

- i. [South Atlantic Fisheries Webservice](#): Provides access to species distribution and spatial presentation of regional fishery independent data from the Southeast Area Monitoring and Assessment Program (South Atlantic) SEAMAP-SA, the Marine Resources Monitoring, Assessment, and Prediction program (MARMAP), and NOAA Southeast Fishery-Independent Survey (SEFIS).
- ii. [South Atlantic EFH Webservice](#): Provides access to spatial representation of EFH and EFH-HAPCs for Council-managed species and Highly Migratory Species.
- iii. [South Atlantic Managed Areas Service](#): Provides access to spatial presentations of Council and other managed areas in the region.
- iv. [South Atlantic Artificial Reefs Web Application](#): Provides a regional view of artificial reefs locations, contents and imagery associated with programs in the southeastern U.S. overseen by individual states (Florida, Georgia, South Carolina, North Carolina).
- v. South Atlantic [ACCSP Web Map](#) and [Application](#): The web map displays Atlantic Coastal Cooperative Statistics Program (ACCSP) Statistical Areas representing catch and values of Council-managed species across time with the application displaying charts of landings and values for ACCSP Statistical Areas.

## D.9. Ecosystem-Based Action, Future Challenges and Needs

One of the greatest challenges to enhance habitat conservation and EBFM in the region is funding high priority research, including comprehensive benthic mapping and ecosystem model and management tool development. In addition, collecting detailed information on fishing fleet dynamics including defining fishing operation areas by species, species complex, and season, as well as catch relative to habitat is critical for assessment of fishery, community, and habitat impacts and for Council use in place-based management measures. Additional resources need to be dedicated to expanding regional coordination of modeling, mapping, characterization of species use of habitats, and full funding of regional fishery independent surveys (e.g., MARMAP, SEAMAP, and SEFIS) which are linking directly to addressing high priority management needs. Appendix A of the FEP II Implementation Plan highlights research and data needs excerpted from the [SEAMAP 5 Year Plan](#) because they represent short and long-term research and data needs that support EBFM and habitat conservation in the South Atlantic Region.

Development of ecosystem information systems to support Council management should build on existing tools (e.g., Regional Habitat and Ecosystem GIS and Arc Services) and provide resources to regional cooperating partners for expansion to address long-term Council needs. NOAA should support and build on the regional coordination efforts of the Council as it transitions to a broader management approach. Resources need to be provided to collect information necessary to update information supporting FEP II, which support refinement of EFH designations and spatial representations and future EBFM actions. These are the highest priority needs to support habitat conservation and EBFM, the completion of mapping of near-shore, mid-shelf, shelf edge, and deep-water habitats in the South Atlantic region and refinement in the characterization of species use of habitats.

## Appendix E. Preliminary Stock Risk Ratings and Attribute Scores

To assist the South Atlantic Fishery Management Council (Council) in determining the level of risk tolerance they will use for each of the species managed under the revised acceptable biological catch (ABC) control rule, stock risk ratings will be developed and evaluated as new ABCs are considered. Council staff and the Scientific and Statistical Committee (SSC) recommended a method for evaluating risk tolerance using biological, human dimension, and environmental attributes. The biological attributes are based on the biological characteristics of the species, and changes to scores will be considered as new science is conducted that re-estimates biological metrics and uncovers new information about the stock (Table E.1). The human dimension attributes include factors dealing with management, value, desirability, social issues, and ecological issues (Table E.2). Finally, there are environmental attributes (Table E.3), including ecosystem importance, climate change, and other environmental variables.

Each of the biological and human dimension attributes are scored on a scale from 1 to 3, with higher scores indicating less vulnerability to overfishing (both in terms of the stock's ability to withstand higher levels of fishing and recover from overfishing), which allows the Council to assume greater risk tolerance (higher P\*; fishing closer to the overfishing limit). For example, under biological attributes, high natural mortality is typically associated with biological characteristics able to withstand high levels of mortality, such as earlier maturity, high fecundity, and shorter generation time. This means that such stocks would be expected to better withstand relatively higher levels of fishing, and the Council could assume a greater amount of risk in managing these stocks. Under the human dimension attributes, a highly valued commercial stock would be an example of a stock that would be more susceptible to overfishing and would receive a score of 1 (indicating the Council should manage with less assumed risk and greater precaution) for that attribute. Missing attribute scores are not factored into the average for the biological or human dimension scores. If a species has no information to assign any biological or human dimension scores (e.g. bar jack biological attributes), the default average score for that category is 2, signifying medium risk.

While environmental variables are important to consider, there is less information available for most species for these attributes. Therefore, they are scored as switches, either off (not scored) or on (scored as 1, indicating high vulnerability to overfishing). These attributes act to alert the Council to a stock that is of particular importance to the ecosystem, has an issue with climate change that is affecting its population in a way that may make it more vulnerable to overfishing, or some other environmental variable that is causing the stock to be more prone to overfishing. An "on" score would indicate to the Council that the species should be managed with less assumed risk (lower P\*) and greater precaution.

Each of the scored attributes within the biological, human dimension, and environmental categories are averaged for an overall attribute score. The 2 or 3 (depending on whether environmental factors are scored for that stock) attribute scores are then averaged for an overall risk score. Overall risk scores are divided into thirds, with the following threshold levels based on the preliminary scores. As scores are re-evaluated in the future, the threshold levels may change. The bottom third (scores less than or equal to 2) of overall risk scores are rated as High



Risk (highly susceptible to overfishing). The middle third (scores greater than 2 and less than or equal to 2.4) are rated Medium Risk (moderately susceptible to overfishing). The upper third (scores greater than 2.4) are rated Low Risk (less susceptible to overfishing). These ratings are levels using the SSC's recommended method, although the final stock risk rating of High, Medium, or Low that is used to determine the accepted risk of overfishing (P\*) is determined by the Council (see Section 2.1.1.1 and Table 2.1.1.3).

**Table E.1.** Preliminary biological attribute scores used to develop stock risk ratings.

Species	Estimated Natural Mortality	Age at Maturity	Bio Score	Species	Estimated Natural Mortality	Age at Maturity	Bio Score
Atlantic Spadefish	3	3	3.0	Silk Snapper		1	1.0
Bar Jack			2.0	Yellowedge Grouper	1		1.0
Black Grouper	1	1	1.0	Almaco Jack			2.0
Black Sea Bass	2	3	2.5	Banded Rudderfish			2.0
Blueline Tilefish	1	2	1.5	Lesser Amberjack			2.0
Gag	1	2	1.5	Cubera Snapper			2.0
Golden Tilefish	1	2	1.5	Gray Snapper	2	2	2.0
Gray Triggerfish	2	3	2.5	Lane Snapper	2	3	2.5
Greater Amberjack	2	3	2.5	Margate	2		2.0
FLK/EFL Hogfish	1	1	1.0	Sailors Choice			2.0
GA-NC Hogfish	1	1	1.0	Tomtate	2	2	2.0
Mutton Snapper	1	2	1.5	White Grunt	2	2	2.0
Red Grouper	1	2	1.5	Coney	3		3.0
Red Porgy	2	3	2.5	Graysby	3	2	2.5
Red Snapper	1	3	2.0	Red Hind	2		2.0
Scamp	1	3	2.0	Rock Hind	3	1	2.0
Snowy Grouper	1	1	1.0	Yellowfin Grouper	1		1.0
Vermilion Snapper	2	3	2.5	Yellowmouth Grouper	1	2	1.5
Wreckfish	1	1	1.0	Jolthead Porgy		2	2.0
Yellowtail Snapper	1	3	2.0	Knobbed Porgy	2	1	1.5
Blackfin Snapper			2.0	Saucereye Porgy			2.0
Misty Grouper	1		1.0	Scup	3	2	2.5
Queen Snapper	1	3	2.0	Whitebone Porgy	3		3.0
Sand Tilefish			2.0	Dolphin	3	3	3.0
				Wahoo	3	3	3.0

**Table E.2.** Preliminary human dimension attribute scores used to develop stock risk ratings.  
(Continued on next page)

Species	Ability to Regulate Fishery	Potential for Discard Losses	Annual Commercial Value	Recreational Desirability	Social Concerns	Human Dim Score
Atlantic Spadefish	3		3	2		2.67
Bar Jack	3		3	3		3.00
Black Grouper	3		2	2		2.33
Black Sea Bass	3	1	2	1	3	2.00
Blueline Tilefish	1	3	2	3		2.25
Gag	3	2	2	2	3	2.40
Golden Tilefish	2	3	1	3		2.25
Gray Triggerfish	2		2	2	3	2.25
Greater Amberjack	3	3	2	2	1	2.20
FLK/EFL Hogfish	1	3	3	1		2.00
GA-NC Hogfish	1		3	3		2.33
Mutton Snapper	3	3	2	1		2.25
Red Grouper	3	1	2	2	3	2.20
Red Porgy	3	3	2	3	2	2.60
Red Snapper	1	1	3	2		1.75
Scamp	3		2	3	3	2.75
Snowy Grouper	1	3	2	3		2.25
Vermilion Snapper	2	3	1	2		2.00
Wreckfish	3		3	3		3.00
Yellowtail Snapper	3	3	1	1		2.00
Blackfin Snapper	1		3	3		2.33
Misty Grouper	3		3	3		3.00
Queen Snapper	1		3	3		2.33
Sand Tilefish	3		3	3		3.00
Silk Snapper	3		3	3		3.00
Yellowedge Grouper	2		3	3		2.67
Almaco Jack	2		3	3		2.67
Banded Rudderfish	2		3	3		2.67
Lesser Amberjack	1		3	3		2.33
Cubera Snapper	2		3	3		2.67
Gray Snapper	2		2	1		1.67
Lane Snapper	3		3	3		3.00

<b>Species</b>	<b>Ability to Regulate Fishery</b>	<b>Potential for Discard Losses</b>	<b>Annual Commercial Value</b>	<b>Recreational Desirability</b>	<b>Social Concerns</b>	<b>Human Dim Score</b>
Margate	3		3	3		3.00
Sailors Choice	2		3	3		2.67
Tomtate	3		3	3		3.00
White Grunt	3		3	3		3.00
Coney	3		3	3		3.00
Graysby	1		3	3		2.33
Red Hind	3		3	3		3.00
Rock Hind	3		3	3		3.00
Yellowfin Grouper	3		3	3		3.00
Yellowmouth Grouper	3		3	3		3.00
Jolthead Porgy	1		3	3		2.33
Knobbed Porgy	2		3	3		2.67
Saucereye Porgy	2		3	3		2.67
Scup	3		3	3		3.00
Whitebone Porgy	1		3	3		2.33
Dolphin	3		1	1		1.67
Wahoo	2		2	1		1.67

**Table E.3.** Preliminary environmental attribute scores used to develop stock risk ratings. The Environmental score is evaluated as whether there is a presence (1) or absence (0) of identified environmental factors that could make that species at greater risk of overfishing. Zero scores are not included in averaging for the overall risk score. (Continued on next page)

Species	Ecosystem Importance	Climate Change	Other Env Variables	Environmental Score
Atlantic Spadefish				0
Bar Jack				0
Black Grouper				0
Black Sea Bass				0
Blueline Tilefish		1		1
Gag				0
Golden Tilefish		1		1
Gray Triggerfish				0
Greater Amberjack				0
FLK/EFL Hogfish				0
GA-NC Hogfish				0
Mutton Snapper				0
Red Grouper	1		1	1
Red Pogy			1	1
Red Snapper				0
Scamp				0
Snowy Grouper				0
Vermilion Snapper				0
Wreckfish				0
Yellowtail Snapper				0
Blackfin Snapper				0
Misty Grouper				0
Queen Snapper				0
Sand Tilefish				0
Silk Snapper				0
Yellowedge Grouper				0
Almaco Jack				0
Banded Rudderfish				0
Lesser Amberjack				0
Cubera Snapper				0
Gray Snapper				0
Lane Snapper				0
Margate				0
Sailors Choice				0

<b>Species</b>	<b>Ecosystem Importance</b>	<b>Climate Change</b>	<b>Other Env Variables</b>	<b>Environmental Score</b>
Tomtate				0
White Grunt				0
Coney				0
Graysby				0
Red Hind				0
Rock Hind				0
Yellowfin Grouper				0
Yellowmouth Grouper				0
Jolthead Porgy				0
Knobbed Porgy				0
Saucereye Porgy				0
Scup				0
Whitebone Porgy				0
Dolphin				0
Wahoo				0

**Table E.4.** Preliminary overall risk scores (averages of attribute scores from Tables 1-3) and stock risk ratings. Low Risk Rating: Risk Score > 2.4; Medium Risk Rating:  $2 \leq$  Risk Score  $\leq$  2.4; High Risk Rating: Risk Score < 2.

Species	Risk Score (Avg of Attribute Scores)	Stock Risk Rating	Species	Risk Score (Avg of Attribute Scores)	Stock Risk Rating
Atlantic Spadefish	2.83	Low	Banded Rudderfish	2.33	Medium
Bar Jack	2.50	Low	Lesser Amberjack	2.17	Medium
Black Grouper	1.67	High	Cubera Snapper	2.33	Medium
Black Sea Bass	2.25	Medium	Gray Snapper	1.83	High
Blueline Tilefish	1.58	High	Lane Snapper	2.75	Low
Gag	1.95	High	Margate	2.50	Low
Golden Tilefish	1.58	High	Sailors Choice	2.33	Medium
Gray Triggerfish	2.38	Medium	Tomtate	2.50	Low
Greater Amberjack	2.35	Medium	White Grunt	2.50	Low
FLK/EFL Hogfish	1.50	High	Coney	3.00	Low
GA-NC Hogfish	1.67	High	Graysby	2.42	Low
Mutton Snapper	1.88	High	Red Hind	2.50	Low
Red Grouper	1.57	High	Rock Hind	2.50	Low
Red Porgy	2.03	Medium	Yellowfin Grouper	2.00	High
Red Snapper	1.88	High	Yellowmouth Grouper	2.25	Medium
Scamp	2.38	Medium	Jolthead Porgy	2.17	Medium
Snowy Grouper	1.63	High	Knobbed Porgy	2.08	Medium
Vermilion Snapper	2.25	Medium	Saucereye Porgy	2.33	Medium
Wreckfish	2.00	High	Scup	2.75	Low
Yellowtail Snapper	2.00	High	Whitebone Porgy	2.67	Low
Blackfin Snapper	2.17	Medium	Dolphin	2.33	Medium
Misty Grouper	2.00	High	Wahoo	2.33	Medium
Queen Snapper	2.17	Medium			
Sand Tilefish	2.50	Low			
Silk Snapper	2.00	High			
Yellowedge Grouper	1.83	High			
Almaco Jack	2.33	Medium			

## Appendix F. Fishery Impact Statement

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires a Fishery Impact Statement (FIS) be prepared for all amendments to Fishery Management Plans (FMPs). The FIS contains an assessment of the likely biological, social, and economic effects of the conservation and management measures on: 1) fishery participants and their communities; 2) participants in the fisheries conducted in adjacent areas under the authority of another Council; and 3) the safety of human life at sea.

### F.1. Actions Contained in Comprehensive Acceptable Biological Catch (ABC) Control Rule Amendment

Comprehensive ABC Control Rule Amendment proposes four actions using best scientific information available to incorporate scientific uncertainty and management risk, acceptable risk of overfishing, use of stock rebuilding plans for overfished stocks, phase-in and carry-over into the ABC control rules for the FMP for dolphin and wahoo, snapper grouper species, and golden crab. The actions and their preferred alternatives are:

#### **Action 1. Modify the acceptable biological catch control rule**

**Preferred Alternative 2.** Specify an acceptable biological catch control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans that categorizes stocks based on the available information and scientific uncertainty evaluation and incorporates the Council's risk tolerance policy through an accepted probability of overfishing ( $P^*$ ). The Council will specify the  $P^*$  based on relative stock biomass and a stock risk rating.

When possible, the Scientific and Statistical Committee will determine the overfishing limit and characterize its uncertainty based on, primarily, the stock assessment or, secondarily, the Scientific and Statistical Committee's expert opinion. The overfishing limit and its uncertainty would then be used to derive and recommend the acceptable biological catch, based on the risk tolerance specified by the Council.

Acceptable biological catch for unassessed stocks will be recommended by the Scientific and Statistical Committee based on applicable data-limited methods. Unassessed stocks will be assigned the moderate biomass level unless there is a recommendation from the Scientific and Statistical Committee that justifies a different level.

For overfished stocks, the Council will specify a stock rebuilding plan, considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans ( $1-P^*$ ) must be at least 50%.

**Preferred Sub-Alternative 2b.** Allow the Council to deviate, up or down, from the default accepted probability of overfishing by up to 10% for an individual stock, based on its expert judgment, new information, or recommendations by the Scientific and Statistical Committee or other expert advisors. Accepted probability of overfishing may not exceed 50%.

**Preferred Sub-Alternative 2c.** When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

**Action 2. Allow phase-in of acceptable biological catch**

**Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.**

**Preferred Alternative 2.** Allow phase-in of increases to acceptable biological catch, as specified by the Council. Allow phase-in of decreases when a new acceptable biological catch is less than:

**Preferred Sub-Alternative 2c.** 80% of the existing acceptable biological catch.

**Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.**

**Preferred Alternative 2.** Phase-in acceptable biological catch decreases over no more than 3 years, as specified in Table 2.2.1.1. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the Scientific and Statistical Committee and Advisory Panel.

**Action 3. Allow carry-over of unharvested portion of the annual catch**

**Sub-Action 3.1. Establish criteria specifying circumstances when an unharvested portion of the originally specified sector ACL can be carried over from one year to increase the available harvest in the immediate next year. Carry-overs may not be delayed, and only amounts from the originally specified sector ACL may be carried over. Multiple sub-alternatives may be selected under Alternative 2.**

**Preferred Alternative 2.** Allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, an overfishing limit for the stock is defined, and:

**Preferred Sub-Alternative 2d.** ABC decreases are not being phased-in.

**Preferred Sub-Alternative 2e.** There are measures that restrict annual landings to the annual catch limit and post-season accountability measures that reduce the annual catch limit in the following year according to any landings overages in place for that stock and sector.

**Sub-Action 3.2. Specify limits on how much of the unharvested portion of a sector annual catch limit may be carried over from one year to increase the sector annual catch limit in the next year.**

**Preferred Alternative 2.** Allow carry-over of the unharvested portion of a sector's annual catch limit. The acceptable biological catch and the total annual catch limit may be temporarily increased to allow this carry-over. The temporary acceptable biological catch may not exceed the overfishing limit. The revised total annual catch limit may not exceed the temporary



acceptable biological catch or the total annual catch limit plus the carried over amount, whichever is less.

If both sectors are eligible, both the commercial and recreational sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit, the temporary acceptable biological catch will be set equal to the overfishing limit and the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

#### **Action 4. Modify framework procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans**

##### **Sub-Action 4.1. Modify Section I of the Snapper Grouper Framework Procedure to include a framework process to approve carry-overs.**

**Preferred Alternative 2.** Modify the Snapper Grouper Fishery Management Plan Framework Procedure by adding the following language to Section I:

Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, National

Marine Fisheries Service will enact carry-over of eligible landings from the previous year.

- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

**Sub-Action 4.2. Modify the Dolphin Wahoo Fishery Management Plan Framework Procedure to include a framework process to approve carry-overs.**

**Preferred Alternative 2.** Modify the Dolphin Wahoo Fishery Management Plan Framework Procedure by adding the following language:

Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

**Sub-Action 4.3. Modify the Golden Crab Fishery Management Plan Framework Procedure to include a framework process to approve carry-overs.**

**Preferred Alternative 2.** Modify the Golden Crab Fishery Management Plan Framework Procedure by adding the following language:

Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.
  - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, National Marine Fisheries Service will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

## **F.2. Assessment of Biological Effects**

In Action 1, no immediate and direct biological effects (positive or negative) are expected for the stocks managed under these FMPs, because current ABC levels for all the species in the FMPs in this amendment are not being changed. The preferred approach would give the SSC the ability to adjust or derive uncertainty of assessment results (ultimately impacting projections of future catch) if they determine uncertainty is not adequately estimated through information used in the assessment (Section 4.1). The preferred approach would also improve the evaluation of risk tolerance by considering factors beyond the current productivity and susceptibility analysis (PSA) and expanding the range of reference points used to describe and incorporate relative biomass (Section 4.1).

In Action 2, positive biological effects would be greatest by not allowing phase-in of a decrease in ABC, because this could allow harvest above ABC levels that would be recommended if phase-ins were not allowed (Section 4.2). Phase-in of increase in ABC would be specified by the Council. For phase-in of a decrease in the ABC, the preferred approach is the least conservative of the alternatives considered, but, the SSC and Council would be able to evaluate whether the

phase-in would have biological benefits before recommending using it (Section 4.2). Furthermore, the phase-in approach adheres to the National Standard 1 (NS1) Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions (Holland et al. 2020).

In Action 3, regarding carry-over eligibility and how much of a sector's unharvested ACL may be carried over to the next year, the greatest positive biological effects would be expected from measures that most limit the occurrence of carry-overs (Section 4.3). However, the preferred approach adheres to the NS1 Technical Guidance (Holland et al. 2020), and would allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, and an overfishing limit for the stock is defined. Furthermore, the preferred approach will not allow carry-over for stocks that also have a phase-in and there will be a payback provision to reduce the annual catch limit (ACL) in the following season, if there were any overages to the ACL (Section 4.3).

In Action 4, no biological effects on any species under the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs would be expected from the preferred approach because this action does not impact the harvest levels of any species in any manner, and is administrative in nature (Section 4.4).

### **F.3. Assessment of Economic Effects**

Given the wide-ranging applicability of the ABC on a species and scenario basis, the long-term economic effects of Action 1 would vary considerably. Since existing ABCs for species within the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs would not change as a result of this action, there would be no immediate economic effects and any such effects are not likely to occur for several years after the action is implemented as new ACLs are implemented.

Action 1 provides more flexibility to consider management risk and scientific uncertainty. Additionally, it allows incorporation of economic information when determining the accepted probability of overfishing (P\*) value for a given species. The addition of economic factors would allow the Council to better consider the long-term economic implications when examining management risk which could lead to better economic outcomes and increase net economic benefits in a fishery for a given species. Also, there are anticipated biological benefits from this alternative, which can lead to elevated economic benefits if higher stock levels lead to elevated ABCs and allowable harvest. For the recreational sector, these increased economic benefits may be characterized by improved consumer surplus (CS) for anglers from elevated harvest levels and increased producer surplus (PS) for for-hire businesses if higher ABCs result in increased demand for recreational trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers, depending on the applicable species.

Allowing for phase-in of reductions in an ABC (Action 2) could comparatively increase short-term economic benefits through greater levels of harvest in the short-term but would allow for a slower rebuilding of a stock and decreases in future economic benefits associated with lower catch levels. Phasing-in reductions to the ABC could also allow for economic stability and thus

increased economic benefits in a fishery by allowing commercial and for-hire business to taper down their dependence on a specific species.

Allowing carry-over of unused ACL (Action 3) would allow a sector to utilize that portion of the ACL in a subsequent year. This would allow for increased harvest which would increase associated economic benefits. For the recreational sector, these increased economic benefits may be characterized by improved CS for anglers from elevated harvest levels and increased PS for for-hire businesses if higher ACLs result in increases in demand for trips onboard charter vessels or headboats. For the commercial sector these increased economic benefits may be characterized by improved net operating revenue and thus PS for commercial fishing vessels and dealers. There also may be increases to CS for seafood consumers.

Modifying the framework procedure for the Snapper Grouper, Dolphin and Wahoo, and Golden Crab FMPs (Action 4) would help implement the ability to carry-over unharvested ACL in a timelier manner. This action, which would allow carry-over to be implemented via framework, would likely result in more timely economic benefits and fewer costs, thus increasing expected net economic benefits.

#### **F.4. Assessment of the Social Effects**

Setting of the biological parameters for harvest thresholds (Action 1) has few direct social effects as the effects are more indirect from the implementation of the ABC and any subsequent reduction through other alternatives setting ACLs and annual catch targets/accountability measures. The more risk averse a control rule or threshold is, the more chances of negative social effects accruing in the short term if harvest is reduced. The inclusion of social factors in the ABC control rule will allow the Council to directly consider the importance of a given species to fishing communities and businesses when determining risk tolerance. Incorporation of the social factors would have long-term social benefits in the form of a more accurate ABC. Additionally, formally considering human dimensions in the scientific process may help to improve stakeholder perceptions of the science going into management decisions.

Establishing the criteria for when phase-in of a new ABC would be allowed and the approach for that phase in (Action 2) would provide additional social benefits to fishing communities. Management measures that reduce the number of fish an angler can land typically result in foregone social benefits. However, the ABC and corresponding ACL for any stock do not directly affect resource users unless the ACL is met or exceeded, in which case AMs that restrict, or close harvest could negatively impact commercial, for-hire, and private anglers by restricting harvest during the current season and following seasons. Phasing in decreases to an ABC would allow commercial and for-hire business time to adjust their business plans to account for the full decrease in the ABC level, and associated management restrictions. It would also ensure that fishing opportunities remained available to private recreational fishermen in the interim.

Positive social effects would be expected for fishermen from allowing carry-over of uncaught ACL (Action 3) if the ACL provides additional opportunities to retain a fish that would otherwise be unavailable the following year. However, there would be no effects from providing a carry-over for a given fish stock if the additional ACL goes unused. If fishing regulations were not a factor in restricting opportunities to retain additional fish, then carrying over additional

ACL would not provide additional fishing opportunities. However, broad social benefits would be expected from having a carry-over provision in place, particularly in the event that regulations become more restrictive and the given stock's ACL is not met in the future due to fishing regulations.

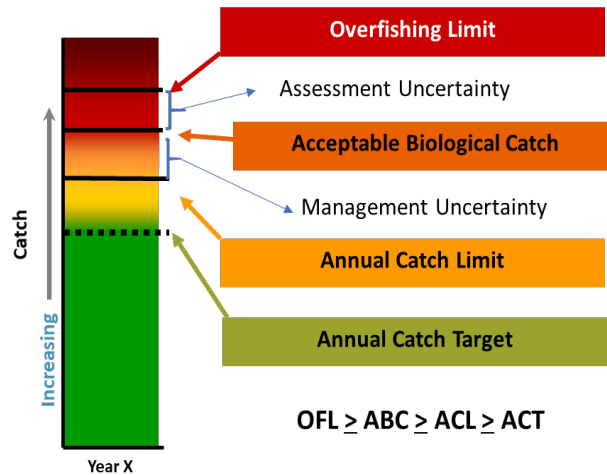
Modification of the framework procedure of for the Snapper Grouper, Dolphin and Wahoo and Golden Crab FMPs (Action 4) would not be expected to result in any direct social impacts. Rather, indirect social effects would be expected and would result in broad, long-term social benefits, and minimal negative social effects. Although a framework procedure is currently in place for each FMP, modifications to improve timeliness and incorporate regulatory updates would be expected to contribute to improved management of the stocks and would allow the Council to respond to management needs. The relative speed at which beneficial regulatory changes can be implemented can play a role in determining the magnitude of the anticipated indirect social effects.

## **F.5. Assessment of Effects on Safety at Sea**

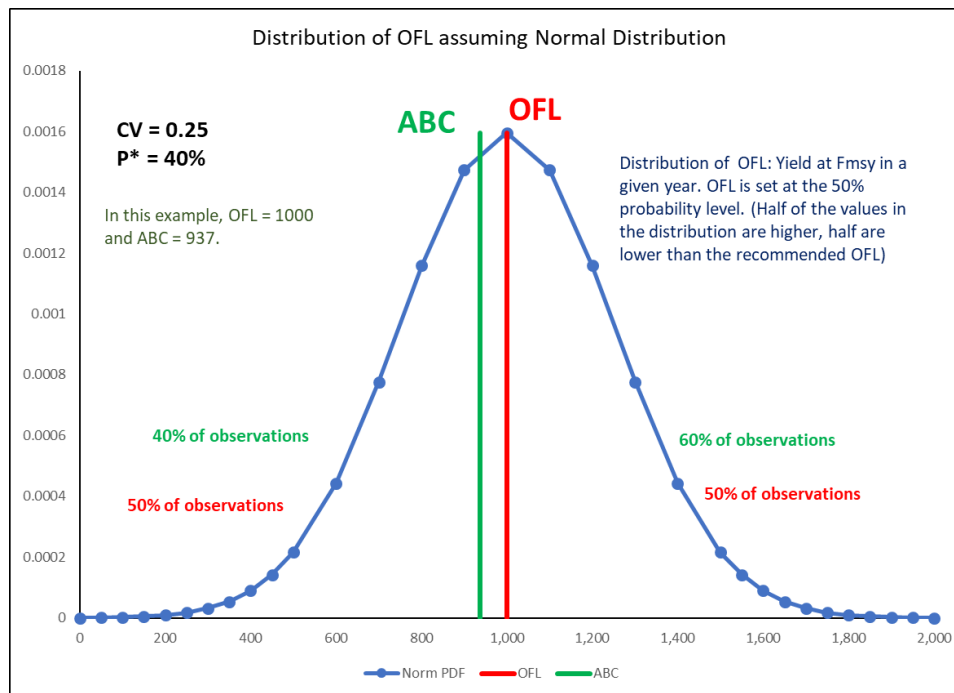
Comprehensive ABC Control Rule Amendment which includes Amendment 11 to the Golden Crab FMP, Amendment 11 to the Dolphin Wahoo FMP, and Amendment 45 to the Snapper Grouper FMP is not expected to result in direct impacts to safety at sea.

## Appendix G. Acceptable Biological Catch Conceptual Diagrams and Description

The following figures illustrate the relationships between reference points and how overfishing limit (OFL) and acceptable biological catch (ABC) are derived from the yield distribution and the chosen accepted probability of overfishing ( $P^*$ ).



**Figure G.1.** Illustrated general relationship between OFL, ABC, annual catch limit (ACL), and annual catch target (ACT). The difference between OFL and ABC addresses assessment uncertainty, while the difference between ABC and ACL addresses management uncertainty.



**Figure G.2.** Example distribution illustrating OFL and ABC for a hypothetical stock with OFL=1000 pounds, a chosen risk tolerance or  $P^*$  of 40% (40% chance that overfishing occurs), and an assessment coefficient of variation (CV) of 0.25.

## How is ABC derived for assessed stocks under this rule?

Three basic items are required to derive an ABC from a stock assessment:

1. Estimates of productivity (i.e. maximum sustainable yield [MSY] and OFL) and stock assessment uncertainty.

*These are products of an assessment and inputs to the ABC control rule. Various proxies can be used for unassessed stocks, such as SPR (spawning potential ratio) levels, or the fishing mortality rate that maximizes yield per recruit ( $F_{max}$ ).*

- a. Estimated yield (OFL) and, ideally, a distribution of its uncertainty or a probability distribution function (PDF).
- b. Assessment CV that can be applied to the OFL distribution.

2. A risk tolerance for overfishing (e.g.,  $P^*$ ).

*This is set by the South Atlantic Fishery Management Council (Council), as guided by the ABC control rule. Typically, the Council will provide risk tolerance guidance for the Scientific and Statistical Committee (SSC) to use when applying the ABC control rule.*

- a. The Council will specify a risk rating for each stock (Action 2).

The SSC and relevant advisory panel (AP) will provide guidance and recommendations for consideration by the Council.

- b. The SSC will evaluate the biomass level of the stock, either through the use of assessment results or, in the case of unassessed stocks, application of its best judgement as informed by other information as may be available.

- c. The risk tolerance is determined based on the combination of the stock risk rating and the stock biomass (Action 2).

3. A method for applying the risk tolerance to the assessment results.

*This is addressed by the SSC, guided by the ABC control rule, and forms the basis of the ABC recommendation.*

- a. Direct approach: distribution of OFL used to derive ABC

The  $P^*$  is applied to the distribution (PDF) of the estimated overfishing level (OFL). MSY or the OFL is based on the midpoint (50<sup>th</sup> percentile) of the estimated stock yield when the fishing mortality rate is at the level that would, on average and over the long-term, remove MSY ( $F_{MSY}$ ). ABC is based on a different percentile, determined by the  $P^*$  value. For example, if the risk of overfishing is 30%,  $P^*=0.3$  and ABC is determined by the 30<sup>th</sup> percentile of the OFL yield. The difference between ABC and OFL will vary across assessments and will depend on the observed OFL distribution.

This is the approach used most often for assessed SAFMC stocks.

- b. Indirect approach: CV and assumed distribution of OFL used to derive ABC



If the distribution of OFL is not available, or not considered adequate for determining ABC, the ABC can be derived from a measure of assessment uncertainty (CV) and an assumed distribution of OFL. The type of distribution assumed (e.g., normal or log-normal) determines its shape. The CV determines how widely the distribution spreads. Thus, high CV distributions are broad and flat, encompassing many values; while low CV distributions are narrow and steep, encompassing fewer values with many more values centered closely around a mode or median.

Once a CV and type of distribution is decided, the buffer between ABC and OFL can be determined for any risk level. In fact, the buffer can be determined in advance for any combination of CV, distribution, and risk tolerance ( $P^*$ ). To derive ABC, the buffer calculated by the CV, distribution, and  $P^*$  is applied to the OFL. For example, if a CV of 0.5 and a log-normal distribution of OFL are assumed, the ABC buffer will be 53%. If the OFL was 100,000 lbs, the ABC would be 47,000 lbs.

## Appendix H. Carry-Over Example

**Shadow Shark Stock Status:** Not Overfished and Overfishing Not Occurring

**Overfishing Limit (OFL):** 12,000 lbs

**Via amendment, South Atlantic Fishery Management Council (Council) has approved:**

- **Acceptable Biological Catch (ABC) = Total Annual Catch Limit (ACL) = 10,000 lbs**
- **Sector Allocation: 50/50**
- **Both sector ACLs will carry-over when eligible**

**Criteria for annual eligibility:** Not overfished and not overfishing status, underage of the sector ACL (Action 3-Sub-Action 3.1-Preferred Alternative 2)

**Amount eligible for carry-over:** Temporary revised ABC and total ACL may not exceed OFL (Action 3-Sub-Action 3.2-Preferred Alternative 2)

\*NOTES highlighted below refer to specific parts of Action 3-Sub-Action 3.2-Preferred Alternative 2 that are relevant for that year of the example.

\*This example is designed to show different management scenarios that could occur under management that includes carry-over provisions. It is unlikely that these scenarios would occur in succession, and repeated need use of carry-over may indicate the need to re-evaluate stock condition or management measures applied to that stock (Holland et al. 2020).

**Table H.1.** Example ABCs, sector ACLs, sector landings, and sector carry-over levels.

Year	Effective ABC (lbs)	Com ACL (lbs)	Com Landings (lbs)	Com Carry-Over	Rec ACL (lbs)	Rec Landings (lbs)	Rec Carry-Over
2023	10,000	5,000	4,000	1,000 lbs to 2024	5,000	5,200	None
2024	11,000	6,000	5,200	None	5,000	4,500	500 lbs to 2025
2025	10,500	5,000	5,500	None	5,500	4,500	500 lbs to 2026
2026	10,500	5,000	3,000	1,000 lbs to 2027	5,500	3,500	1,000 lbs to 2027
2027	12,000	6,000	2,500	2,000 lbs to 2028	6,000	6,500	None
2028	12,000	7,000	NA	NA	5,000	NA	NA

**2023:** First year of the time series. Sector ACLs are as specified in the FMP. The commercial sector underharvests its ACL by 1,000 lbs.

**2024:** ABC is temporarily increased to 11,000 lbs. The commercial ACL is temporarily increased to 6,000 lbs, including 1,000 lbs of carry-over. The recreational ACL is as specified in the Fishery Management Plan (FMP) (5,000 lbs).

The commercial sector underharvests its temporary ACL (6,000 lbs). However, because commercial harvest (5,200 lbs) is greater than the commercial ACL specified in the FMP (5,000 lbs), the commercial sector is not eligible for carry-over.

The recreational sector underharvests its ACL (5,000 lbs) by 500 lbs.

- NOTE: If only one sector is eligible for carry-over, the carried over amount is allocated completely to that sector. Carry-over amounts are evaluated based on the ACL(s) specified in the FMP, not temporary revised ACLs.

**2025:** ABC is temporarily increased to 10,500 lbs. The commercial ACL is as specified in the FMP (5,000 lbs). The recreational ACL is temporarily increased to 5,500 lbs, including 500 lbs of carry-over.

The commercial sector overharvests its ACL by 500 lbs and is not eligible for carry-over.

The recreational sector underharvests its temporary ACL (5,500 lbs) by 1,000 lbs. However, this is only an underharvest of 500 lbs relative to the recreational ACL specified in the FMP (5,000 lbs). Therefore, only 500 lbs of recreational ACL is carried over to 2026.

- NOTE: If only one sector is eligible for carry-over, the carried over amount is allocated completely to that sector. Carry-over amounts are evaluated based on the ACL(s) specified in the FMP, not temporary revised ACLs.

**2026:** ABC is temporarily increased to 10,500 lbs. The commercial ACL is as specified in the FMP (5,000 lbs). The recreational ACL is temporarily increased to 5,500 lbs, including 500 lbs of carry-over.

The commercial sector underharvests its ACL by 1,000 lbs.

The recreational sector underharvests its temporary ACL (5,500 lbs) by 2,000 lbs.

Both sectors are eligible for carry-over, but the total ACL specified in the FMP (10,000 lbs) plus the total underharvested amount (3,000 lbs) is greater than the OFL (12,000 lbs). Therefore, the ABC is set equal to the OFL. The total carried over amount (2,000) is allocated according to the allocation percentages in the FMP (50% each), with 1,000 lbs being carried over for each sector.

- NOTE: If both sectors are eligible for carry-over and the sum of the total ACL and all under harvested amounts is greater than the OFL, the temporary ABC is set equal to the OFL and the difference between the OFL and the ABC specified in the FMP is allocated according to sector allocation percentages defined in the FMP.

**2027:** ABC is temporarily increased to 12,000 lbs. The commercial and recreational ACLs are temporarily increased to 6,000 lbs each, including 1,000 lbs of carry-over for each.

The commercial sector underharvests its temporary ACL (6,000 lbs) by 3,500 lbs. However, this is only an underharvest of 2,500 lbs relative to the recreational ACL specified in the FMP (5,000 lbs) and the difference between the OFL and ABC specified in the FMP is 2,000 lbs. Therefore, only 2,000 lbs of commercial ACL is carried over to 2028.

The recreational sector overharvests its temporary ACL (6,000 lbs) by 500 lbs.

- NOTE: If only one sector is eligible for carry-over, the carried over amount is allocated completely to that sector. Carry-over amounts are evaluated based on the ACL(s) specified in the FMP, not temporary revised ACLs. The temporary ABC may not exceed the OFL.

**2028:** ABC is temporarily increased to 12,000 lbs. The commercial ACL is temporarily increased to 7,000 lbs, including 2,000 lbs of carry-over. The recreational ACL is as specified in the FMP (5,000 lbs).

# Appendix I. Scientific and Statistical Committee Category 4 Work Group Report

## Report of the ABC Control Rule for Category 4 Stocks Working Group April 2021

### SSC Members:

Dr. Genny Nessler (Chair), University of Maryland Center for Environmental Science  
Dr. Chris Dumas, University of North Carolina Wilmington  
Dr. Eric Johnson, University of North Florida  
Dr. Wilson Laney, North Carolina State University  
Dr. Amy Schueller, NOAA Fisheries, SEFSC Beaufort Laboratory  
Dr. Alexei Sharov, Maryland Dept. of Natural Resources

### SAFMC Staff:

Dr. Mike Errigo  
Dr. Mike Schmidtke  
Dr. Chip Collier

### **BACKGROUND**

A Working Group (WG) of the South Atlantic Fishery Management Council's Scientific and Statistical Committee (SAFMC SSC) was formed to revise and update the ABC control rule for Category 4 (unassessed) stocks and bring those recommendations to the SSC for consideration at their April 2021 meeting. The SSC's ABC control rule currently includes a decision tree for Category 4 stocks, which includes ORCS and other ad-hoc methods when setting ABCs for data-limited stocks in the South Atlantic. The SSC recognized at their October 2020 meeting that several new studies and methods for providing fishing level recommendations in data-limited situations had been published since the ABC control rule was last revised that might provide more robust management advice for some stocks. Thus, this WG was asked to:

- 1) carefully explore recent literature examining performance of landings-only approaches, including, but not limited to, ORCS;
- 2) recommend potential biological and fishery characteristics (e.g. bycatch vs. directed) that would suggest the use of alternative data poor approaches;
- 3) consider, if available and adequate, effort, length, and fishery independent data;
- 4) examine correlations in landings across species, geographic location, and fisheries (e.g., recreational and commercial) at a given point in time; and
- 5) make a recommendation to the SSC for a revised Decision Tree for Category 4 of the ABC control rule.

## **SUMMARY OF ACTIVITIES**

\*Due to the size of Tables 1 and 2, referenced below, links are provided to access these files rather than displaying within this document.

The WG met on the following dates: January 20, February 5, February 19, March 12, and March 25 via webinar. The WG began by reviewing the Statement of Work, reading and discussing recent studies on data-limited methodologies for providing catch level advice, and developing a table of data availability for Category 4 stocks ([Table 1](#)) that reflected the need to begin “establishing a complete inventory of all available data for each managed stock” (Newman et al. 2015). The WG then generated a draft list of potential data-limited methods that might be applicable for Category 4 stocks in the South Atlantic region ([Table 2](#)). Finally, the WG drafted revised ABC control rule text for the SSC’s consideration (Recommendation #6 below). The ABC control rule revisions recommended by the WG reflect the most recent published literature on performance of data-limited assessment and ABC-setting methods and have been evaluated by the Working Group in light of the unique nature of fisheries managed by the SAFMC.

## **RECOMMENDATIONS**

The WG recommends:

1. The ABC Control Rule Decision Tree for Category 4 stocks should be replaced with a new flexible process that allows the SSC more latitude in applying the most appropriate and best-performing ABC-setting methods for each data-limited stock or category of stocks given the nature of the fish and fishery in the region and the availability of reliable data. This approach should yield a better science to inform management for Category 4 stocks.
2. The overall process for ABC-setting should be:
  - a. Flexible – Wording should be general enough to allow the methods applied to a given stock to be updated as new data and better-performing approaches become available without requiring a revision to the Council’s Comprehensive ABC Control Rule Amendment (*pending*; Newman et al. 2015).
  - b. Customizable – Recent studies demonstrate that using a “one size fits all” data-limited approach does not produce robust advice for management for data-limited stocks (Wiedenmann et al. 2013, Sagarese et al. 2019). Stock-specific methods should be developed and updated as new data and methods become available.
  - c. Responsive – ABC-setting approaches derived from an OFL estimate should incorporate the Council’s stock-specific risk tolerance as described in the Council’s Comprehensive ABC Control Rule Amendment (*pending*) and outlined below (#6).
  - d. Adaptable – Empirical Harvest Strategies (EHS) or Harvest Control Rules (HCR) should be developed to accompany all Category 4 ABCs to improve the performance of data-limited methods and account for inevitable changes in the fishery, data availability and quality, and other unforeseen circumstances (Dowling et al. 2015a, Walsh et al. 2018). EHS are appropriate for stocks whose ABC is set using monitoring data (e.g., landings-only); HCRs are appropriate for stocks to which data-limited models have been applied to estimate stock biomass and exploitation. Both EHS and HCR should include provisions for deviations from the rule such as episodic events, catch estimate outliers (either anomalously high or low), and new developments in the fishery (Dowling et al. 2015a, b). The SEP should provide comment on all EHS/HCR recommendations prior to review by the SSC.

3. If the Council approves this revised ABC control rule (#6 below) and process for Category 4 stocks, the SSC, the SEFSC, and regional researchers and data providers should provide an initial review of data availability for all Category 4 stocks ([Table 1](#)) and the list of potential methods for ABC-setting given available data ([Table 2](#)).
4. The SSC, in consultation with the SEP, should suggest a prioritization of Category 4 stocks or groups of stocks for review and approval by the Council. Category 4 stocks will likely be grouped and analyzed at same time if similar types of data are available for multiple stocks.
5. The SSC should request the Council’s approval of a long-term working group to:
  - a. Review available data and appropriate methods for setting an ABC for each Category 4 stock or complex in the order prioritized by the Council.
  - b. Recommend an ABC and EHS/HCR for each stock or complex by applying the most appropriate method given the available data and characteristics of the stock and fishery.
  - c. Recommend updates to [Table 1](#) and [Table 2](#) to the SSC, as needed.
6. To implement this new approach, the ABC control rule text for Category 4 stocks should be revised as follows:

The ABC for Category 4 stocks and complexes will be set based on expert judgment of the SSC using all available fishery-dependent and fishery-independent data. The exact method recommended by the SSC for determining the ABC will be stock- or complex-specific and depend on the quality and quantity of data available. A list of potential ABC-setting methods for stocks with varying types and quantities of reliable data will be generated then reviewed, and updated regularly by the SSC as stock-specific data changes and new innovations in data-limited methodologies become available. For some stocks, adopting a multi-model ensemble or super-ensemble approach to determining an OFL/ABC may be appropriate.

If a stock has adequate information to adopt a data-limited method for estimating an OFL, the ABC will be set using the Council’s Comprehensive ABC Control Rule Amendment (*pending*) that explicitly incorporates the Council’s risk tolerance for the stock. If an OFL cannot be estimated, an ABC will be set directly using a data-limited approach that uses monitoring data only. If the available data are adequate, methods that estimate an OFL (i.e., involve estimation of MSY or risk of overfishing) are preferred over methods that only provide an ABC (e.g. catch-only). Category 4 stock ABC recommendations should be accompanied by an Empirical Harvest Strategy (EHS) or Harvest Control Rule (HCR), as appropriate, for consideration by the Council. All methods and assumptions should be well documented and clearly justified.

All current ABC recommendations for Category 4 stocks will stand until the SSC recommends and the Council adopts new ABCs.

If the species is bycatch in another fishery, the SSC may recommend the Council adjust management of the directed fishery as well as a means to reduce interactions or mortality, if necessary.

The SSC can recommend to the Council that a stock be made an Ecosystem Species and will recommend an ABC using this Control Rule until such time as the relevant FMP is amended accordingly.

### **CONCLUSION**

Implementation of this OFL/ABC-setting process for Category 4 stocks will require an investment of time, but should result in more responsive and robust management advice that is tailored to meet the needs and challenges of each Category 4 stock. We thank Council staff for their support of working group activities, especially in generating [Table 1](#) and [Table 2](#).

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# Appendix J. Framework Procedures for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans

## J.1. Dolphin Wahoo Fishery Management Plan Framework Procedures

Most recently modified through Dolphin Wahoo Amendment 5  
*New text added by the ABC Control Rule Amendment*

1. At times determined by the SEDAR Steering Committee, and in consultation with the South Atlantic Council and NMFS Southeast Regional Office (SERO), stock assessments (or future assessment updates) will be conducted under the SEDAR process for stocks managed under the Dolphin Wahoo FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to  $F_{MSY}$  (MFMT) and  $F_{OY}$ ; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality, recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of  $B_{MSY}$ .
2. The South Atlantic Council will consider SEDAR stock assessments or other documentation the South Atlantic Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. After reviewing the SEDAR stock assessments, the SSC will prepare a written report to the South Atlantic Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT ( $F_{MSY}$ ). The ABC range is intended to provide guidance to the SSC and is the amount of the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve stock population levels at or above  $B_{MSY}$  within the rebuilding periods specified by the South Atlantic Council and approved by NMFS. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the South Atlantic Council a  $B_{MSY}$  level and a MSST from  $B_{MSY}$ . The report may also recommend more

appropriate estimates of  $F_{MSY}$  for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the South Atlantic Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking into account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rationale why it believes that level of fishing will not exceed MFMT.
4. The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Dolphin Wahoo Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.
5. The South Atlantic Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:
  - a. Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the South Atlantic Council sets ACL equal to ABC, and ABC has been set equal to OFL, the South Atlantic Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.
  - b. May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the South Atlantic Council and specified by the South Atlantic Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.
  - c. Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the South Atlantic Council has the option to establish an ACT if one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

6. The South Atlantic Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NMFS RA for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of  $B_{MSY}$  and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the South Atlantic Council and RA. The South Atlantic Council may also recommend new levels or statements for MSY (or proxy) and OY.
7. The South Atlantic Council will review recommendations of the ABC control rule as proposed by their SSC at the Council meeting following the recommended changes. The South Atlantic Council will determine whether the recommended changes to the ABC control rule for dolphin and wahoo meet the goals of the Dolphin Wahoo FMP. If the South Atlantic Council agrees with the recommended changes to the ABC control rule, they will include those changes in a framework amendment. If the South Atlantic Council does not agree with the recommended changes to the ABC control rule, they will notify the SSC of their reasons for not approving the changes.
8. The RA will review the South Atlantic Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The RA will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the South Atlantic Council and RA.
9. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:
  - a. ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
  - b. ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
  - c. AMs or sector AMs.
  - d. Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
  - e. The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
  - f. New levels or statements of MSY (or proxy) and OY for any stock.
  - g. New levels of total allowable catch (TAC).
  - h. Adjust fishing seasons/years.
10. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.

- a. Close the commercial fishery of a dolphin or wahoo species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector from exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
  - b. Close the recreational fishery of a dolphin or wahoo species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
  - c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.
11. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.
12. Abbreviated Framework Procedure. Adjustments to ABCs, ACLs, and ACTs according to the existing ABC Control Rule(s) and formulas for specifying ACLs and ACTs that have been approved by the Council and that were implemented in a fishery management plan amendment to the FMP. This abbreviated process is authorized as follows:
- a. Following the Scientific and Statistical Committee's (SSC's) review of the stock assessment, the Council will determine if changes are needed to ABC, ACL, and/or ACT and will so advise the RA.
  - b. The Council will first hold a public hearing during the Council meeting during which they will review the stock assessment and the SSC's recommendations. In addition, the public will be advised prior to the meeting that the Council is considering potential changes to the ABC, ACL, and/or ACT and the Council will provide the public the opportunity to comment on the potential changes prior to and during the Council meeting.
  - c. If the Council then determines that modifications to the ABC, ACL, and/or ACT are necessary and appropriate, they will notify the RA of their recommendations in a letter with the Council's analysis of the relevant biological, economic, and social information necessary to support the Council's action.
  - d. The RA will review the Council's recommendations and supporting information. If the RA concurs that the Council's recommendations are consistent with the objectives of the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and all other applicable law, the RA is authorized to implement the Council's proposed action through publication of appropriate notification in the *Federal Register*, providing appropriate time for additional public comment as necessary.
  - e. If the Council chooses to deviate from the ABC control rule(s) and formulas for specifying ACLs and ACTs that the Council previously approved and that were implemented in a fishery management plan amendment to the FMP, this abbreviated process would not apply, and either the framework procedure would apply with the

preparation of a regulatory amendment or a fishery management plan amendment would be prepared. Additionally, the Council may choose to prepare a regulatory amendment or a fishery management plan amendment even if they do not deviate from the previously approved ABC control rule(s) and formulas for specifying ACLs and ACTs.

- f. Carry-Over of ACL. Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through this framework procedure. This process is authorized as follows:*
- i. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.*
  - To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.*
  - ii. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.*
  - iii. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NMFS will enact carry-over of eligible landings from the previous year.*
  - iv. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.*

13. If NMFS decides not to publish the proposed rule for the recommended management measures through this Abbreviated Framework Procedure, or to otherwise hold the measures in abeyance, then the RA must notify the South Atlantic Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the South Atlantic Council to conform the amendment to the requirements of applicable law.

## J.2. Golden Crab Fishery Management Plan Framework Procedures

\*Most recently modified through Golden Crab Amendment 3

*New text added by the ABC Control Rule Amendment*

1. The Council will appoint an assessment panel (Panel) that will assess the condition of golden crab (including periodic economic and sociological assessments as needed) on an annually planned basis. The Panel will present a report of its assessment and recommendations to the Council.
2. The Council may take action based on the assessment panel report or may take actions based on issues/problems/information that surface separate from the assessment group. The steps are as follows:
  - A. Assessment Panel Report – The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council’s choosing to discuss the Panel’s report. The Council will consult the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.
  - B. Information separate from assessment panel report – The Council will consider information that surfaces separate from the assessment panel. Council staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council . A public hearing will be held at the time and place where the Council considers the Council staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.
3. If changes are needed in the maximum sustainable yield (MSY), total allowable catch (TAC), quotas (including zero quotas), trip limits, minimum sizes, gear regulations and/or restrictions, permit requirements, season/area closures (including spawning closures), time frame for recovery of golden crab should they become overfished or fishing year , the Council will advise the Regional Directory in writing of their recommendations accompanied by the Panel’s or Staff’s report, relevant background material, draft regulations, regulatory impact review, social impact review, social impact review, and public comments. This report will be submitted at least 60 days prior to the desired effective date of regulations.
4. The Regional Director will review the Council’s recommendations, supporting rationale, public comments, and other relevant information. If the Regional Director concurs that the Council’s recommendations are consistent with the goals and objectives of the fishery management plan, the national standards, and other applicable law, the Regional Director will recommend that the Secretary publish proposed and final rules in the *Federal Register* of any changes. The public comment period on the proposed rule will not be less than 15 days.

5. Should the Regional Director reject the recommendations, he will provide written reasons to the Council for the rejections, and existing regulations will remain in effect until the issues is resolved.
6. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the *Federal Register* are:
  - A. Initial specification of MSY and subsequent adjustment of the best estimate of MSY when this information is available.
  - B. Initial specification of acceptable biological catch (ABC) and subsequent adjustment of the ABC range and/or best estimate when and where this information is available.
  - C. Setting TAC.
  - D. Modifying (or implementing) TAC, quotas (including zero quotas), trip limits, minimum sizes, gear regulations and/or restrictions, permit requirements, season/area closures (including spawning closures), time frame for recovery of golden crab should they become overfished or fishing year.
  - E. The fishing year (calendar year) may not be adjusted by more than two months.
  - F. Authority is granted to the Regional Director to close the fishery once a quota has been established through the procedure described above and such quota has been reached or projected to be reached. Authority is also granted to reopen a fishery once a new fishing year begins. When such action is necessary, the Regional Director will recommend that the Secretary publish a notice in the Federal Register as soon as possible.
  - G. Requiring onboard observers.
  - H. Modifications to the sub-zone, including but not limited to changing the size, timeframe, seasonality, repealing, and eligibility requirements. (*Added via Golden Crab Amendment 3*)
  - I. *Carry-Over of ACL. Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP. This process is authorized as follows:*
    - a. *When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.*
      - i. *To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.*

- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.*
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NMFS will enact carry-over of eligible landings from the previous year.*
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.*



### **J.3. Snapper Grouper Fishery Management Plan Framework Procedures**

\*Most recently modified through Snapper Grouper Amendment 42  
*New text added by the ABC Control Rule Amendment*

#### **I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:**

##### Procedure for Specifications:

1. At times determined by the SEDAR Steering Committee, and in consultation with the Council and NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to  $F_{MSY}$  (MFMT) and  $F_{OY}$ ; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of  $B_{MSY}$ .
2. The Council will consider SEDAR stock assessments or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The Scientific and Statistical Committee (SSC) will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT ( $F_{MSY}$ ). The ABC range is intended to provide guidance to the SSC and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper population levels at or above  $B_{MSY}$  within the rebuilding periods specified by the Council and approved by NOAA Fisheries Service. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council a  $B_{MSY}$  level and a MSST from  $B_{MSY}$ . The report may also recommend more

appropriate estimates of  $F_{MSY}$  for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking in account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rational why it believes that level of fishing will not exceed MFMT.
4. The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.
5. The Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:
  - a. Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.
  - b. May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.
  - c. Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

6. The Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NOAA Fisheries Service Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of  $B_{MSY}$  and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLs, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.
7. The Regional Administrator will review the Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.
8. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:
  - a. ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
  - b. ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
  - c. AMs or sector AMs.
  - d. Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
  - e. The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
  - f. New levels or statements of MSY (or proxy) and OY for any stock.
  - g. New levels of total allowable catch (TAC).
  - h. Adjust fishing seasons/years.
9. Adjustments to ABCs, ACLs, and ACTs according to the existing ABC Control Rule(s) and formulas for specifying ACLs and ACTs that have been approved by the Council and that were implemented in a fishery management plan amendment to the FMP. This abbreviated process is authorized as follows:
  - a. Following the Scientific and Statistical Committee's (SSC's) review of the stock assessment, the Council will determine if changes are needed to ABC, ACL, and/or ACT and will so advise the RA.
  - b. The Council will first hold a public hearing during the Council meeting during which they will review the stock assessment and the SSC's recommendations. In addition, the public will be advised prior to the meeting that the Council is

considering potential changes to the ABC, ACL, and/or ACT and the Council will provide the public the opportunity to comment on the potential changes prior to and during the Council meeting.

- c. If the Council then determines that modifications to the ABC, ACL, and/or ACT are necessary and appropriate, they will notify the RA of their recommendations in a letter with the Council's analysis of the relevant biological, economic, and social information necessary to support the Council's action.
- d. The RA will review the Council's recommendations and supporting information. If the RA concurs that the Council's recommendations are consistent with the objectives of the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and all other applicable law, the RA is authorized to implement the Council's proposed action through publication of appropriate notification in the Federal Register, providing appropriate time for additional public comment as necessary.
- e. If the Council chooses to deviate from the ABC control rule(s) and formulas for specifying ACLs and ACTs that the Council previously approved and that were implemented in a fishery management plan amendment to the FMP, this abbreviated process would not apply, and either the framework procedure would apply with the preparation of a regulatory amendment or a fishery management plan amendment would be prepared. Additionally, the Council may choose to prepare a regulatory amendment or a fishery management plan amendment even if they do not deviate from the previously approved ABC control rule(s) and formulas for specifying ACLs and ACTs.
- f. *Carry-Over of ACL. Single season adjustments to ABCs and ACLs that would allow carry-over of unused amounts of a sector ACL, according to the existing ABC control rule(s) and ACLs that have been approved by the Council and implemented pursuant to the FMP, may be made through an alternative process that is authorized as follows:*
  - i. *When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC control rule.*
    - *To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.*
  - ii. *Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based*

*on the previous year's landings, potentially using preliminary landings estimates.*

- iii. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NMFS will enact carry-over of eligible landings from the previous year.*
- iv. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.*

10. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.

- a. Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector from exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
- b. Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
- c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

11. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

**II. Establish a procedure to allow for rapid modification to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern:**

This adjustment procedure will allow the Council to add or modify measures through a streamlined public review process. As such, measures that have been identified could be implemented or adjusted at any time during the year. The process is as follows:

- 1. The Council will call upon the Habitat and Environmental Protection Advisory Panel (Panel) for EFH-related actions and the Coral Advisory Panel for Coral-HAPC related actions. The Habitat and/or Coral Advisory Panel(s) will present a report of their assessment and recommendations to the Council.
- 2. The Council may take framework action one or more times during a year based on need. Such action(s) may come from the Panel report or the Council may take action based on

issues/problems/information that surface separate from the Panel. The steps are as follows:

- A. Habitat or Coral Advisory Panel Report - The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council's choosing to discuss the Panel's report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the Panel's report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.
  - B. Information separate from Panel Report - The Council will consider information that surfaces separate from the Panel. Council staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council. A public hearing will be held at the time and place where the Council considers the Council staff report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.
3. If the Council determines that an addition or adjustment (e.g., in a species or species complex definition of EFH or EFH-HAPCs or a new EFH-HAPC is proposed for a species or species complex) to EFH, EFH-HAPCs, or Coral-HAPCs is necessary to meet the goals and objectives of the Habitat Plan, it will recommend, develop, and analyze appropriate action over the span of at least two Council meetings. The Council will provide the public with:
    - A. Advance notice of the availability of the recommendation.
    - B. The appropriate justifications, and biological, economic, and social analyses.
    - C. An opportunity to comment on the proposed adjustments prior to and at the second Council meeting.
  4. After developing management actions and receiving public testimony, the Council will then submit the recommendation to the Regional Administrator. The Council's recommendation to the Regional Administrator must include supporting rationale, an analysis of impacts, and a recommendation to the Regional Administrator on whether to publish the management measure(s) as a final rule.
  5. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the following factors and provide support and analysis for each factor considered:
    - A. Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule.
    - B. Whether regulations have to be in place for an entire harvest/fishing season.
    - C. Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures.

- D. Whether there is an immediate need to protect the resource.
  - E. Whether there will be a continuing evaluation of management measures adopted following their promulgation as a final rule.
6. If, after reviewing the Council's recommendation and supporting information based on the FMP and the administrative record:
- A. The Regional Administrator concurs with the Council's recommended management measures and determines that the recommended management measures may be published as a final rule then the action will be published in the Federal Register as a final rule; or
  - B. The Regional Administrator concurs with the Council's recommendation and determines that the recommended measures should be published first as a proposed rule, the action will be published as a proposed rule in the Federal Register. After additional public comment, if the Regional Administrator concurs with the Council recommendation, the action will be published as a final rule in the Federal Register; or
  - C. The Regional Administrator does not concur, the Council will be notified, in writing, of the reason for non-concurrence and recommendations to address those concerns.
7. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:
- A. Definition of or modification of a current definition of Essential Fish Habitat for a managed species or species complex.
  - B. Establishment of or modification of EFH-HAPCs for managed species or species complex.
  - C. Establishment of or modifications of Coral-HAPCs.
  - D. Description, identification, and regulations of fishing activities to protect EFH and EFH-HAPCs.
  - E. Management measures to reduce or eliminate the adverse effects of fishing activities or fishing gear on EFH or EFH-HAPCs.
  - F. Regulations of EFH-HAPCs.