



## SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Jessica McCawley, Chair | Mel Bell, Vice Chair  
John Carmichael, Executive Director

June 30, 2020

LN# 202044

Dr. Roy E. Crabtree  
Regional Administrator  
NOAA/NMFS Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701

Dear Dr. Crabtree,

The South Atlantic Fishery Management Council (Council) requests that the National Marine Fisheries Service (NMFS) initiate emergency action pursuant to Section 305(c)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, as reauthorized, to increase the commercial trip limit for Vermilion Snapper in the South Atlantic from 1,000 pounds gutted weight (lbs gw) to 1,500 lbs gw. The Council requests that this change be put in place for 180 days from the time it is implemented and will evaluate fishery conditions in December 2020 to determine whether the change should be extended or terminated at an earlier date. The Council considers the increased trip limit a necessary action to allow the fishery to utilize the full 2020 annual catch limit (ACL).

On March 11, 2020, the World Health Organization declared a global pandemic. In the United States, pandemic related closures began mid-March, resulting in unprecedented challenges to fishing businesses and communities. South Atlantic stakeholders have indicated that pandemic-related fear of traveling, closures of and disruption to the restaurant and seafood retail industry, and restricted access to public beaches, marinas, and piers has caused many businesses and communities to suffer economic hardships.

The NMFS Policy Guidelines for the Use of Emergency Rules (62 FR 44421, August 21, 1997) list three criteria for determining whether an emergency exists: (1) recent, unforeseen events or recently discovered circumstances; and (2) serious conservation or management problems in the fishery; and (3) emergency regulations outweigh the value of advance notice, public comment, and deliberative consideration of the impacts to the same extent as would be expected under the normal rulemaking process.

This emergency rule is requested due to unforeseen and negative impacts on South Atlantic fisheries stemming from the pandemic. Commercial fishing activity has been impeded by loss of markets and pandemic responses including travel restrictions and stay-at-home orders. The Council does not anticipate that the commercial Vermilion Snapper fishery will fully harvest its ACL in 2020 under the current trip limit.

The unexpected impacts of the pandemic have created a management issue by making it more difficult for the commercial fishery to operate normally. A trip limit which necessarily restrains the fishery under normal conditions may be overly restrictive when non-fishery related circumstances reduce effort. Therefore, the Council is concerned that the Vermilion Snapper commercial sector will not achieve its ACL without a change in the trip limit. This may in turn prevent achieving optimum yield and result in loss of the social and economic benefits derived from the commercial ACL.

In this circumstance, the Council determined that the benefits to fishermen from increasing the trip limit through an emergency rule outweigh the value of normal rulemaking. Under the normal rulemaking process, it is unlikely that this change would be implemented in time to affect the 2020 fishery and provide much needed recovery assistance to the fishery. This delay will prevent economic gains to fishing industry participants and communities. The public was provided an opportunity to comment on this request at the June 2020 Council meeting.

Vermilion Snapper are an important component of the Snapper Grouper fishery. Past management actions taken to keep the Vermilion Snapper fishery open throughout the year include reduced trip limits, in-season trip limit reductions, and split seasons (January through June and July through December). The total ACL for Vermilion Snapper was increased in 2019 through Abbreviated Framework 2 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region (Snapper Grouper FMP) in response to the latest stock assessment. Management adjustments were made again in 2020 (Vision Blueprint Regulatory Amendment 27 to the Snapper Grouper FMP, effective February 26) to remove the trip limit reduction when 75% of the season's ACL was met or was projected to be met. Any remaining ACL from the first season is rolled over to the second, but the second season's ACL cannot be carried over to the following fishing year. Since the first season ACL was not met in 2018 and 2019, unused ACL was rolled over to the second season. The commercial ACL was not met in either year, so no in-season closures occurred in 2018 or 2019.

Landings of Vermilion Snapper in 2020 have been accumulating at a slower rate than observed in 2018 and 2019, presumably due to business closures, stay-at-home orders implemented in response to the pandemic, and the resulting economic slow-down. Landings data through May 11, 2020, reviewed by the Council at its June 2020 meeting, indicated that only 51% of the first season ACL had been landed, whereas on May 13, 2019, 85% had been landed. Despite some re-opening of businesses, the most recent landings report on the Southeast Regional Office (SERO) website, as of June 30, 2020, indicates only 64% of the first season ACL has been landed, and that slightly less than 65,000 lbs whole weight (ww) were reported from May 11 to June 30, 2020. Average weekly landings during the May 11 – June 30, 2020 period of just over 9,000 lbs ww are less than half of normal weekly landings during the first season. Based on reduced landings thus far in 2020, there will be a higher than normal portion of the ACL from the first season rolled over into the second season. Consequently, short-term management changes such as the trip limit increase in this request may help commercial fishermen harvest their full ACL in 2020.

Preliminary analyses presented to the Council during their June 8-11, 2020 meeting indicated that approximately 167,000 lbs ww of uncaught ACL would be carried over to the second season in 2020. As such, total landings per week would need to increase by 3,172 lbs ww for fishermen

to harvest the second season ACL including the estimated surplus from the first season (502,520 lbs ww ACL in season 2 plus 167,000 lbs ww carry-over). The estimated increase in weekly catch needed to reach the ACL in 26 weeks would require a 62-pound increase in catch for every trip, assuming the same number of trips occur each week on average in the second season of 2020 as occurred during 2017 - 2019. Given the variability in catch, and the fact that nearly 30% of trips catch fewer than 100 lbs ww, a considerably greater increase in the trip limit is likely necessary to increase overall weekly harvest. Furthermore, if implemented, this change will not be in place at the start of the second season on July 1. Therefore, the Council reasoned that a 500 lbs gw increase in the trip limit represents an adequate increase that will best allow the entire Vermilion Snapper commercial ACL to be harvested in 2020.

The Council concluded that the requested change in the trip limit will not result in increased risk of overfishing of the stock. This is largely because relatively few trips catch the current limit, the change in trip limit will not likely be implemented until the latter half of the second season, and the requested increase is not anticipated to greatly disrupt fishing patterns. The Council chose to request a 500 lbs gw increase rather than a 1000 lbs gw increase because of concerns that the higher increase would disrupt fishing patterns and result in the season ending early. In addition, if the trip limit change has a far greater impact on landings than estimated, accountability measures remain in place that allow NMFS to close the commercial sector if the season's ACL is projected to be met.

In reaching this conclusion, the Council also noted that Vermilion Snapper are neither overfished nor undergoing overfishing, and the current management program has kept landings below both the overfishing limit and the acceptable biological catch. From 2016 through 2018, the commercial sector landed, on average, 95% of its ACL. Recent landings reports available on the SERO website (June 30, 2020) indicate that the pace of landings has not increased since mid-May, and therefore the first season carry over-estimate noted above is possibly underestimated. On June 30, the final day of the first season, just over 179,000 lbs ww remained of the first season ACL. While additional landings reports from the first season are likely to be submitted after June 30, it is not unreasonable to anticipate a second season ACL of 650,000 to 700,000 lbs ww.

We appreciate your assistance in expediting implementation of this request. If you require any additional information, please do not hesitate to contact John Carmichael or Myra Brouwer.

Sincerely,



Jessica McCawley, Chair

cc: Council Members & Staff, SAFMC  
Snapper Grouper Advisory Panel  
Monica Smit-Brunello, NOAA GC  
Jack McGovern & Rick DeVictor, NMFS SERO  
Chris Oliver, NMFS