South Atlantic Snapper-Grouper Amendment 15B Frequently Asked Questions

March 2010

What regulations are outlined in Amendment 15B to the Fishery Management Plan (FMP) for the South Atlantic Snapper-Grouper Fishery?

Amendment 15B regulations:

- Specify commercial/recreational allocations for snowy grouper and red porgy.
- Revise the stock status determination criteria for golden tilefish.
- Prohibit fishermen who are fishing in federal waters of the South Atlantic and do not have a federal South Atlantic Unlimited Snapper-Grouper Permit or a South Atlantic 225 lb Trip Limit Snapper-Grouper Permit from selling their catch under the federal bag limits.
    - The prohibition also applies to snapper-grouper harvested in state or federal waters from a vessel that has a federal South Atlantic Charter/Headboat Permit for Snapper-Grouper and is operating in "for-hire" status.
- Modify transferability requirements of a South Atlantic Unlimited Snapper-Grouper under the limited access program and extend the allowable period for renewal of South Atlantic Unlimited Snapper-Grouper Permits and South Atlantic 225 lb Trip Limit Snapper-Grouper Permits.
- Require all commercial and for-hire snapper-grouper vessels to: 1) Comply with sea turtle and smalltooth sawfish release procedures; 2) carry onboard specific gear to ensure proper release of incidentally caught sea turtles; 3) carry onboard a copy of "Careful Release Protocols for Sea Turtle Release with Minimal Injury" provided by NOAA Fisheries Service; and 4) post the "Sea Turtle Handling and Release" placard (provided by NOAA Fisheries Service) in the wheelhouse or an easily viewable area.
- Require selected vessels with a federal South Atlantic Unlimited Snapper-Grouper Permit, South Atlantic 225 lb Trip Limit Snapper-Grouper Permit, South Atlantic Charter/Headboat Permit for Snapper-Grouper, and/or private recreational vessels (if fishing for snapper-grouper species in federal waters) to carry an observer and install an electronic logbook and/or video monitoring system.

Bag Limit Sale Prohibition

Will my state commercial fishing license be rendered obsolete under the Amendment 15B regulations?

- No, Amendment 15B regulations will not render any state commercial fishing licenses obsolete now or in the future, nor will it affect renewals of state licenses.
- Fishermen with state licenses can still use those licenses to sell fish harvested in state waters in accordance with state regulations, with the exception of snapper-grouper species that are harvested by a federally permitted charter vessel or headboat operating in a for-hire status.

Why is NOAA Fisheries Service prohibiting the sale of snapper- grouper caught under the recreational bag limits?

- The South Atlantic Fishery Management Council (Council) developed this action based on a recommendation from its Law Enforcement Advisory Panel (LEAP).
- Regulations in the Gulf of Mexico already prohibit the sale of fish caught under the bag limits by fishermen who do not posses a federal Gulf of Mexico Reef Fish Permit.
- All landings that are sold are considered commercial harvest and count toward a species' commercial quota, independent of whether or not the fisherman has a federal South Atlantic Unlimited or 225 lb Trip Limit Snapper-Grouper Permit.
- Given the recreational fishery is relatively large, the Council and NOAA Fisheries Service are concerned that sales of snapper-grouper caught under the bag limits could account for a significant portion of the commercial quota. Recreational bag limit sales counted toward commercial quotas could cause commercial fisheries to close earlier than if bag limit sales were not allowed.
- The significance of bag limit sales has become more important in recent years as the Council established new (or reduced existing) commercial catch quotas to end overfishing of snapper-grouper species.
- The Council believes that the implementation of this measure should improve the accuracy of data by eliminating harvest counting towards both the commercial quota and recreational allocation.

What species are included in the bag limit sale prohibition in Amendment 15B?

- The prohibition on bag limit sales applies to all species in the snapper-grouper fishery management unit.
- The list of species included in the snapper-grouper fishery management unit can be found at the following link: http://www.safmc.net/Portals/6/Regulations/SAFMC_Managed%20Species_rev2009.pdf and on page 1-2 of the amendment, which can be found at the following link: http://www.safmc.net/Library/SnapperGrouper/tabid/415/Default.aspx

Did the Council consider the economic impacts that the prohibition of recreational bag limit sales would have on fishermen who possess a state commercial fishing license?

- Yes, the Council considered these economic impacts. The economic analysis indicates there would be adverse economic impacts to those engaged in bag limit sales; however, benefits would accrue to the "directed" fishery in the form reduced quota closure pressure, improved data integrity (reduced double counting) resulting in improved assessments and management, and improved enforcement.

Snowy Grouper and Red Porgy Allocations

How did Amendment 15B allocate snowy grouper between the commercial and recreational sectors and what is the rationale for setting it at this level?

- Amendment 15B defines allocations for snowy grouper based upon landings from the databases containing historical commercial and recreational landings.

- The snowy grouper allocations are based on landings from the years 1986-2005 and will be 95% commercial and 5% recreational.
- The years 1986-2005 were chosen by the Council because they reflect proportions of snowy grouper taken over the longest time series of the alternatives. This was supported by the Council's Snapper-Grouper Advisory Panel.
- As a result of these allocations, the commercial quota for snowy grouper is reduced from 84,000 lbs gutted weight to 82,900 lbs gutted weight and the recreational allocation is 523 fish (4,400 lbs gutted weight).

How did Amendment 15B allocate red porgy between the commercial and recreational sectors and what is the rationale for setting it at this level?

- Amendment 15B defines allocations for red porgy as 50% commercial and 50% recreational. This allocation reflects the proportion of red porgy taken by the commercial and recreational sectors in recent years and was supported by the Snapper-Grouper Advisory Panel.
- The commercial quota has been increased from 127,000 lbs gutted weight to 190,050 lbs gutted weight in 2009 and 2010. The recreational allocation is 190,050 lbs gutted weight in 2009 and 2010. The commercial quota and recreational allocation for 2010 will remain in effect beyond 2010 until modified.

Sea Turtle and Smalltooth Sawfish Handling and Release Gear

What sea turtle release gear is required to be onboard a federally permitted commercial snapper-grouper/for-hire snapper-grouper vessel?

Required Item	Examples of NMFS Approved Models
Long-handled line cutter (6 ft (1.83 m) or 150 percent of freeboard height)	LaForce Line Cutter; Arceneaux Line Clipper
Long-handled (6 ft (1.83 m) or 150 percent of freeboard height) dehooker for ingested hooks	ARC Pole Model; BP11 Deep Hooked Dehooker
Long-handled (6 ft (1.83 m) or 150 percent of freeboard height) dehooker for external hooks	ARC 6ft. Pole Big Game Dehooker Model P610; ARC Model LJ6P (6 ft or 1.83 m); ARC Model LJ36; ARC 6 ft (1.83 m) Pole Big Game Dehooker (Model P610)
Long-handled device to pull an ''inverted V'' (6 ft (1.83 m))or 150 percent of freeboard height)	ARC Model LJ6P (6 ft) or ARC Model LJ36; ARC Pole Model Deep Hooked Dehooker (Model BP11); ARC 6 ft Pole Big Game Dehooker (Model P610); Davis Telescoping Boat Hook (Model 85002A); West Marine Fishing Gaff (Model F6H5 with F6–006 handle)
Dipnet (handle length must be 6 ft (1.83 m) or 150 percent of freeboard height)	ARC Breakdown Lightweight Dipnet Model (DN6P (6 ft), DNO8 (8 ft), or DN14 (12 ft)); Lindgren Pittman, Inc. Model NMFS-Turtle Net; ARC net assembly and Handle (Model DNIN)
Standard Automobile Tire	Any standard automobile tire or other comparable, cushioned, elevated surface that allows boated turtles to be immobilized
Short Handled Dehooker for Ingested Hooks	ARC 16 in Hand Held Bite Block Deep Hooked Turtle Dehooking Device (Model ST08)
Short Handled Dehooker for External Hooks	ARC Hand Held Large J style Dehooker (Model LJ07); ARC Hand Held Large J style Dehooker (Model LJ24); or ARC 17 in (43.18 cm) Hand Held Bite Block Deep Hooked Turtle Dehooking Device (Model STO8); or Scotty's Dehooker
Long-nose or Needle-nose Pliers	12 in S.S. NuMark Model #030281109871; any 12 in stainless steel long or needle-nose pliers

Bolt Cutter	H.K. Porter Model 1490 AC
Monofilament Line Cutter	Jinkai Model MC-T
Two (2) of the following Mouth Openers and Mouth Gags	
Block of Hard Wood	Any block of hard wood or long-handled wire brush (e.g., Olympia Tools Model 974174)
Set of (3) Canine Mouth Gags	Jorvet Model 4160, 4162, and 4164
Set of (2) Sturdy Dog Chew Bones	Nylabone©, Gumabone©, or Galileo© (trademarks owned by T. F. H. Publications, Inc)
Set of (2) Rope Loops Covered with Hose	Any set of (2) rope loops covered with hose meeting design standards
Hank of Rope	Any size soft braided nylon rope is acceptable, provided it creates a hank of rope approximately 2–4 in thickness
Set of (4) PVC Splice Couplings	A set of (4) Standard Schedule 40 PVC splice couplings (1 in, 1.25 in, 1.5 in, and 2 in)
Large Avian Oral Speculum	Webster Vet Supply Model (Model 85408); Veterinary Specialty Products (Model VSP 216–08); Jorvet (Model J–51z); and Krusse (Model 273117)

- In addition to the gear listed above, vessels with a South Atlantic Unlimited Snapper-Grouper Permit, South Atlantic 225 lb Trip Limit Snapper-Grouper Permit, and/or a South Atlantic Charter/Headboat Permit for Snapper-Grouper, must also post the "Sea Turtle Handling and Release Guidelines" placard, and maintain onboard the "Careful Handling and Release Protocols for Sea Turtle Release with Minimal Injury". The placard and protocol will be provided by NOAA Fisheries Service.

Snapper-Grouper Permit Transferability Criteria

Who is eligible to transfer their permit on a one-for-one basis?

- A South Atlantic Unlimited Snapper-Grouper Permit issued to one or more individuals may be transferred to a corporation whose shares are all held by the individual or by the individual and one or more of the following: husband, wife, son, daughter, brother, sister, mother, or father.

Why would I want to transfer my permit to a family owned corporation?

- Incorporating a business limits your personal liability.
- By forming a business through incorporation, you may be eligible for a variety of tax breaks. An accountant can help you determine what tax benefits might be available to you if you incorporate.
- An incorporated business may be easier to place a value on since you can illustrate earnings and interest of shareholders.
- You may be able to raise money for the business by selling shares.

What documents are required to transfer a limited South Atlantic Unlimited Snapper-Grouper Permit to a family owned corporation without having to obtain a second such permit?

- As is required with all applications to transfer federal vessel permits, your application must be complete, the vessel receiving and the vessel transferring the permit(s) must be compliant with all reporting requirements, and the application package must include:

    - a copy of the vessel's valid USCG Certificate of Documentation or State Registration,
    - full payment,
    - the original signed and notarized permit(s), and
    - a copy of the vessel's lease agreements (if applicable).
- To transfer a South Atlantic Unlimited Snapper-Grouper Permit from one or more individuals to a family corporation on a one-for-one basis, the application package must *also* include:
    - a copy of the corporation's annual business report including a complete list of shareholders, all of whom must be an immediate family member of the original permit holder,
    - a copy of the corporations articles of incorporation, and
    - documentation such as birth certificates, marriage licenses, etc., may also be required to verify familial relationships.

Are there additional documents required in order to renew the South Atlantic Unlimited Snapper-Grouper Permit associated with a family-owned corporation each year?

- Yes, if the South Atlantic Unlimited Snapper-Grouper Permit was obtained by the corporation on a one-for-one basis through the individual-to-family-corporation transfer program.
    - In order for the permit associated with the family owned corporation to be renewed each year, the corporation must submit an application for renewal along with an annual business report, which lists the current shareholders.
    - In order for the permit to be renewed, any shareholders listed in the business report or on the application must be an immediate family member of the *individual* or *one of the individuals* who originally transferred the vessel permit to the family corporation.

*Note: New regulations implementing Amendment 15B will extend the time to renew a South Atlantic Unlimited Snapper-Grouper Permit or a South Atlantic 225 lb Trip Limit Permit from 60-days to one year following the expiration date.

Is a grandchild of an individual who originally transferred the South Atlantic Unlimited Snapper-Grouper Permit to a family owned corporation considered an immediate family member?

- No. Grandchildren of the original permit holder are not considered immediate family members and therefore, are not eligible to be shareholders.

Can South Atlantic Unlimited Snapper-Grouper Permits be transferred from the family owned corporation back to an individual on a one for one basis?

- No. The permit may only be transferred on a one-for-one basis if the permit is held by one or more individuals and is transferred to a corporation in which all the shareholders are immediate family members of the holder of the permit being transferred.
- In order for a corporation to transfer a South Atlantic Unlimited Snapper-Grouper Permit to an individual, that individual would need to purchase another South Atlantic Unlimited Snapper-Grouper Permit in addition to the one being transferred, ie., two-for-one.

For more information on Amendment 15B please contact:

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