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Amendment 4 to the Puerto Rico Fishery Management Plan (FMP): Reclassification of Rainbow Runner as a Pelagic Species

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CFMC 185th Meeting
Isla Verde, Puerto Rico
December 4-5, 2024

Background



- New species under the Puerto Rico Fishery Management Plan (effective in 2022), where it was included under the Reef Fish Component along with other jack species.
- Managed with annual catch limits (ACL) for each of the commercial and recreational sectors, a reef fish-specific accountability measure (AM), and in a recreational bag limit applicable to reef fish.
- In addition, regulations applicable to reef fish such as a ban on the use of certain gear types and the prohibition on reef fish harvest and possession in Bajo de Sico during the seasonal closure (Oct 1 - Mar 31, each year), apply to this species.



Background



- Rainbow runner is not and has not been a specific species of fish identified on the Puerto Rico Commercial Catch Report (CCR) form.
- For a fisherman to report landings of rainbow runner on the CCR form, they have to either include those landings within the broader listed category of jacks or write in rainbow runner and its landings on the form.
- There is a similar issue with E-Reporting. Fishermen who land rainbow runner have to search for rainbow runner and mark it when using the app or can include its landings under the broader category of jacks.
- Consequently, it is expected that reported commercial landings of rainbow runner do not represent all catch of the species, and that reported commercial landings of jacks include catch of rainbow runner as well as other species.



Action Timeline



Meeting	Action
CFMC Meeting April 2023	<ul style="list-style-type: none"> Puerto Rico District Advisory Panel (DAP) requested reclassification from a Reef Fish species to a Pelagic Fish species, based on life history characteristics and fishing methods for the species. Scientific and Statistical Committee (SSC) was tasked to review information and make a recommendation to the Council.
SSC Meeting May 2023	<ul style="list-style-type: none"> SSC reviewed background information and determined a reclassification to a Pelagic Fish was warranted.
CFMC Meeting August 2023	<ul style="list-style-type: none"> SSC recommended the Council reclassify the rainbow runner as a pelagic species under the Puerto Rico FMP. Council asked staff to develop an amendment to reclassify the species.
CFMC Meeting December 2023	<ul style="list-style-type: none"> Southeast Regional Office staff presented a summary of management changes for reclassification to a pelagic species. Council/DAP discussed concerns with the current commercial and recreational ACLs for rainbow runner: some high commercial landings; potential for exceeding ACLs and triggering AMs; is there a need to revisit ACLs?



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Action Timeline Continued



Meeting	Action
SSC Meeting March/April 2024	<ul style="list-style-type: none">• SSC discussed the concerns from Council/DAP members, but did not have specific recommendations that could be immediately addressed. Their recommendations were for future action, such as revisiting ACLs for several stocks, including the rainbow runner.• SSC requested to have only one (recreational and commercial) ACL for Rainbow Runner.• Council could recommend that Rainbow Runner be added to the commercial catch report form.• Need data collection for recreational fisheries.
CFMC Meeting April 2024	<ul style="list-style-type: none">• No additional motion/guidance from Council on modifying the current purpose for the Rainbow Runner amendment (reclassifying from a Reef Fish to Pelagic Fish species).• Move forward with Amendment 4 to the Puerto Rico FMP with Categorical Exclusion (CE).

* The CFMC August meeting was cancelled. Review/discussion of document moved to Dec 2024 CFMC Meeting. Consideration for final action will be postponed until the April 2025 CFMC Meeting.



Objective



To ensure that rainbow runner is managed in accordance with its life history characteristics and fishing patterns, which are consistent with Council-management of pelagic species.

Proposed Option

Reclassify the rainbow runner (*Elagatis bipinnulata*) from the Puerto Rico Reef Fish group to the Puerto Rico Pelagic Fish group through **Amendment 4 to the Puerto Rico FMP**.

Outcome

- Regulations that apply to Reef Fish such as the recreational bag limit, the seasonal area closure in Bajo de Sico, and the Reef Fish-specific AM would not apply to the species any longer.
- Specific regulations that apply to Pelagic Fish would be applicable to the rainbow runner:

Annual Catch Target equal to 90% of the current ACL for the species
and Pelagic Fish-specific AMs



Proposed Option



Accountability Measures for Pelagic Stocks: For pelagic stocks/stock complexes, the Council would establish an annual catch target (ACT) as a percentage of the ACL to serve as the AM trigger (i.e., reference point compared to landings). In the event of an overage of the ACT, the Council in consultation with NMFS would assess whether corrective action is needed.

Proposed Option: Establish an Annual Catch Target for Rainbow Runner
Establish commercial and recreational ACTs for rainbow runner equal to 90% of the commercial ACL and recreational ACL, respectively.

Reference Point	Commercial	Recreational	Total
ACL	913 lbs	8,091 lbs	9,004 lbs
Proposed ACT	822 lbs	7,282 lbs	8,104 lbs

All values are in pounds whole weight.



Effects Analysis



(1) Establishment of an ACT for Pelagic Species

Pelagic species under the Puerto Rico FMP are managed with an ACT set at 90% of the ACL for each sector. Establishing an ACT in addition to an ACL is a precautionary management measure to address uncertainty in the management of pelagic species.

(2) Application of AMs for Pelagic Species

- The AM for reef fish compares the sector-specific ACLs (i.e., commercial and recreational) to available sector-specific landings, and if the AM is triggered (i.e., the applicable ACL was exceeded due to increased catch), then a fishing season reduction is calculated and applied to the current fishing year to prevent a similar exceedance of the ACL(s). If landings for one sector are not available for comparison to the sector-specific ACL, as is the current situation for recreational landings, then the sector-specific ACL for the sector with available landings is the applicable ACL for the stock.
- The AM for pelagic fish compares the sector-specific ACTs to available sector-specific landings, and similarly, if landings for one sector are not available, then the ACT for the sector with available landings is the applicable ACT for the stock. For pelagic fish, if the AM is triggered, then NMFS in consultation with the Council, will determine appropriate corrective action. A fishing season reduction could result, but it is not an automatic consequence like it is for reef fish.



Effects Analysis



Reclassifying the rainbow runner as a pelagic fish removes the AM for a fishing season reduction, which is designed to protect against future overages of the stock.

- No reductions in the length of a rainbow runner fishing season to date.
 - In 2024, when the most recent commercial landings of rainbow runner (1,177 lbs ww in 2022) were compared to the commercial ACL (Reef Fish AM), the ACL was exceeded by 264 lbs ww.
 - No AM implemented, no reduction in fishing season because NMFS determined that the commercial ACL was exceeded because of enhanced and improved data collection and monitoring, rather than by an increased in landings.
- Comparing the 2022 landings to the proposed ACT (pelagic fish AM) would result in an overage of 355 lbs ww from the proposed ACT.
 - Under the pelagic fish AM, if NMFS estimates that landings have exceeded the applicable ACT, NMFS, in consultation with the Council, will determine appropriate corrective action.
 - At that time, no corrective action may be needed, if the exceedance is the result of enhanced and improved data collection and monitoring.
 - If corrective action is appropriate, NMFS could apply management measures, such as a closure or trip limit, which would help protect the long-term sustainability of the resource.

The Council could revisit the ACLs and ACTs for the rainbow runner to address any changes in effort (e.g., changes in market demand, changes in reporting).



Effects Analysis



3) The Bajo de Sico Seasonal Area Closure Restrictions for Reef Fish Harvest Do Not Apply to Pelagic Fish

Commercial and recreational fishermen could legally fish for rainbow runner in the Bajo de Sico management area during the seasonal area closure, as is the case with other pelagic species and non-managed species.

The proposed action is not expected to change how rainbow runner is currently fished, and the landings would continue to be constrained by the applicable ACL and corresponding ACT.

- Because there is no recreational data collection/monitoring, the commercial ACL is the applicable ACL.
- Commercial fishing for rainbow runner occurs in the water column with techniques and gear used to fish for pelagic species. Rainbow runner is usually not directly targeted, but is caught as bycatch when targeting other pelagic species, which are allowed to be harvested during the Bajo de Sico seasonal area closure. Commercial fishing effort for rainbow runner is not expected to increase during the seasonal closure period.
- It is expected that recreational fishermen would catch a similar amount of rainbow runner as they did before the species was federally managed (i.e., less than one fish per day).



Effects Analysis



(4) Removal of the Rainbow Runner from the Reef Fish Recreational Bag Limit

- Removing the species from any protection afforded by the aggregate bag limit could result in an increased rate of catch of the species by the recreational sector, though they would still be constrained to the recreational ACL (8,091 lbs ww). Although in the absence of rec landings, the commercial ACT and ACL would be applicable.
 - It is expected that if rainbow runner is removed from the recreational bag limit that recreational fishermen would catch a similar amount of rainbow runner as they did before the species was federally managed (i.e., less than one fish per day).

Summary:

- Removing management restrictions as a whole for the species by reclassifying it as a pelagic fish would not result in an increase in fishing effort based on the analyses and discussion in the draft amendment. This is because the rainbow runner behaves as a pelagic species and it has been historically targeted as a pelagic species with both commercial and recreational catches being infrequent and variable, and this is not expected to change.
- Landings would continue to be constrained by the applicable ACL and corresponding ACT. If the AM is triggered, then NMFS in consultation with the Council, will determine appropriate corrective action. A fishing season reduction could result, but it is not the applied AM option like it is for reef fish.
- The Council could revisit the ACL and ACT for the rainbow runner to address any future changes in effort (e.g., changes in market demand, changes in reporting).

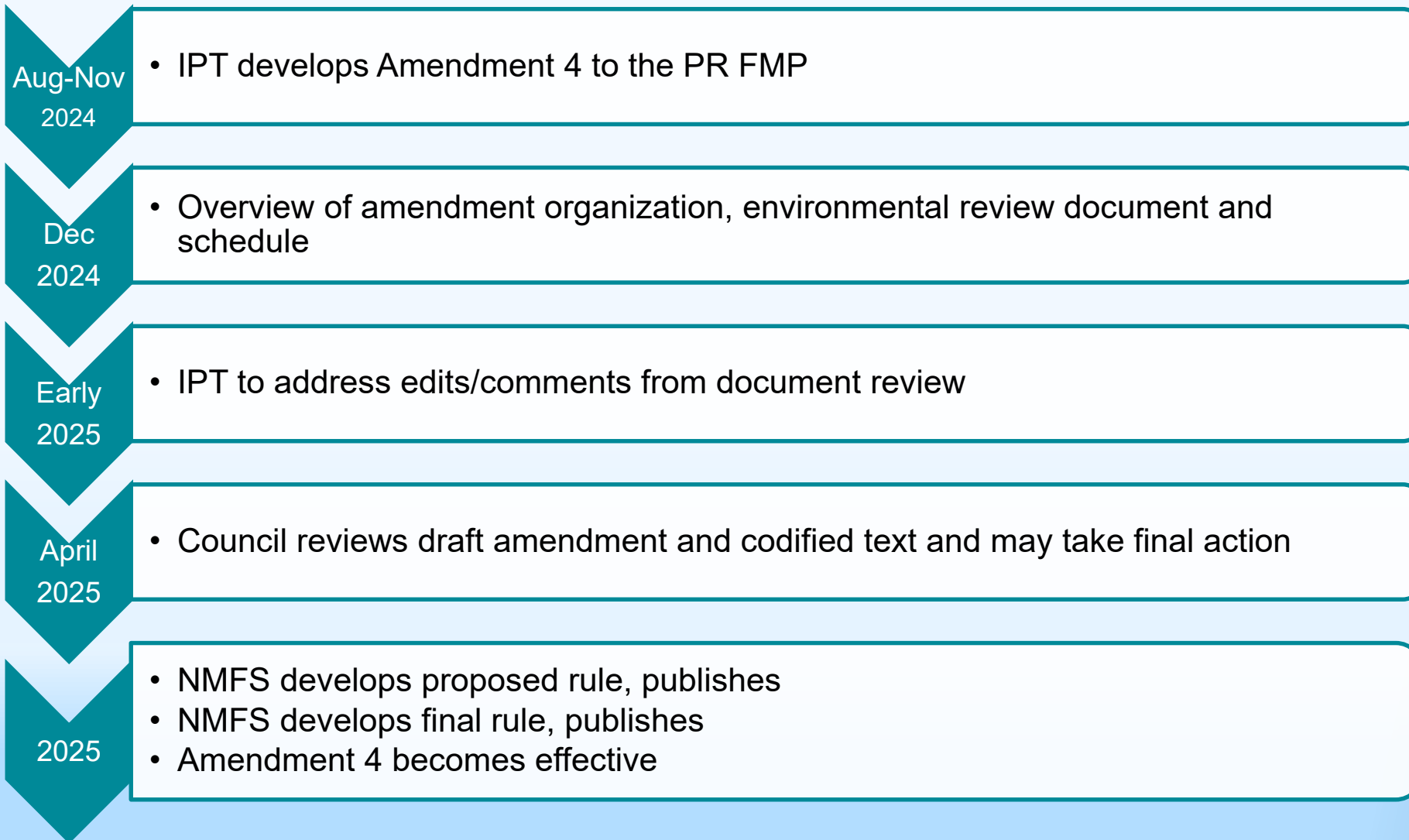


Documents under development

- Amendment with one action, including description of the fishery, and analysis of the biological, social, economic effects.
- Regulatory Impact Review and Regulatory Flexibility Act Analysis (economic analyses).
- National Environmental Policy Act (NEPA): Categorical Exclusion (CE) Memo (Activities found not to have individual or cumulative significant impacts on the human environment)

CE A1: An action that is a technical correction or a change to a fishery management action or regulation, which **does not result in a substantial change** in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.

Action Items and Next Steps



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