



# Scoping Document: Proposed Mechanism to Adjust Annual Catch Limits based on the NMFS Status of U.S. Fisheries Report

---

## BACKGROUND

At the 146<sup>th</sup> Caribbean Fishery Management Council (Council) Meeting (June 24, 2013), the Council directed staff to develop a document to address a potential modification to the buffer reduction that was used to determine the annual catch limits (ACLs) for snappers and groupers. Snapper and grouper species available for harvest were classified as ‘undergoing overfishing’ at the time of preparation of the 2010 Caribbean ACL Amendment (CFMC 2011a). However, since the completion of that amendment their status has changed to ‘not undergoing overfishing’, as reported in the latest NMFS Report to Congress on the Status of U.S. Fisheries (NMFS Status of U.S. Fisheries, 2<sup>nd</sup> Quarter 2013). In the U.S. Caribbean, most reef-fish species classified as undergoing overfishing, including snappers and groupers, were assigned a buffer reduction of 15 percent, meaning that the established overfishing limit (OFL) was reduced by 15 percent to arrive at the ACL. In contrast, most species designated as ‘not undergoing overfishing’ were assigned a buffer reduction of 10 percent. Given the change in status of those snappers and groupers, the question has arisen as to whether it is appropriate to now apply the 10 percent rather than the 15 percent buffer reduction. A Scoping Document with possible alternatives will be presented to the Council at their 147<sup>th</sup> Meeting to be held August 13-14, 2013, listing buffer reductions including 0.85 (current buffer, no action), 0.90 (currently used for most species not designated as undergoing overfishing), 0.75 (applied to some species in recognition of their ecological role), and 1.0 (no reductions from the OFL).

Considered here are other options the Council may wish to consider regarding modifications to the buffer reduction coefficient in response to changes in the overfishing status of any U.S. Caribbean fishery management unit (FMU). Specifically, it may be beneficial to develop a control rule that can be used in the long term, that would adjust the ACL based on the current status of the FMU as determined in the latest report of the NMFS Status of U.S. Fisheries <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>. The control rule would describe the relationship between a change in status and a change in the reduction buffer to the OFL used to determine the ACL. The control rule shifts the buffer based on changes in overfishing status.

The intention of establishing this mechanism is to simplify the process of adjusting these ACLs (instead of having to go through the regulatory amendment process if the status of an FMU changes).

The establishment of the control rule could be accomplished by a plan amendment to the FMPs (Reef Fish, Spiny Lobster, Queen Conch, Corals), and could be applied to all FMUs. The option would remain to exclude some species or group of species from this process, for example herbivores (because of the important ecological role these species play in coral reef ecosystems), queen conch, or others for which



the use of separate buffers may be more appropriate. A rationale for the exclusion of these species would be included in the plan amendment(s) establishing the control rule.

The purpose of this document is to describe a procedure to adjust an ACL based on status change. The discussion of this potential buffer mechanism should include a specification of how to use the NMFS Status of U.S. Fisheries Report in the process, options for buffers, frequency of change of the ACL, and the possibility of a closed vs. an open framework, among others.

### Status of Stocks

The status of the fishery stocks is evaluated on a quarterly basis by NMFS and results are presented as the Fish Stock Sustainability Index (FSSI) in the Report on the Status of U.S. Fisheries pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. Up through 2012, U.S. Caribbean Grouper Unit (GU) 1, GU4, Snapper Unit (SU) 1, and queen conch were classified as undergoing overfishing. The overfishing status for SU3, SU4, and spiny lobster was determined to be unknown (Table 1). In 2013, as a result of current management approaches, such as ACLs implemented in 2012, these units were reclassified from undergoing overfishing or overfishing status unknown to not undergoing overfishing.

**Table 1.** Changes to stock status for the snapper and grouper FMUs, and for queen conch and spiny lobster between the NMFS Status of Fisheries 1<sup>st</sup> Quarter 2012 Report and the 2<sup>nd</sup> Quarter 2013 Report. (Source: NMFS Status of U.S. Fisheries Report <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>).

FMU	Undergoing Overfishing Status		Overfished Status	
	1 <sup>ST</sup> Quarter 2012	2 <sup>ND</sup> Quarter 2013	1 <sup>ST</sup> Quarter 2012	2 <sup>ND</sup> Quarter 2013
<b>GU1*</b>	Yes	<b>No</b>	Yes	<b>Yes</b>
<b>GU2*</b>	No	<b>No</b>	Yes	<b>Yes</b>
<b>GU4</b>	Yes	<b>No</b>	Yes	<b>Yes</b>
<b>SU1</b>	Yes	<b>No</b>	No	<b>No</b>
<b>SU3</b>	Unknown	<b>No</b>	Unknown	<b>Unknown</b>
<b>SU4</b>	Unknown	<b>No</b>	Unknown	<b>Unknown</b>
<b>Queen Conch</b>	Yes	<b>No</b>	Yes	<b>Yes</b>
<b>Spiny Lobster</b>	Unknown	<b>No</b>	Unknown	<b>Unknown</b>

\*Harvest prohibited in the EEZ.

FMUs: GU1: Nassau grouper; GU2: goliath grouper; GU4: yellowfin, red, tiger, and black groupers; SU1: silk, blackfin, black, vermilion, and wenchman snappers; SU3: gray, lane, mutton, dog, schoolmaster, and mahogany snappers; SU4: yellowtail snapper.



## Potential Action and Options

**Action: Adjust the ACL based on the status of the stock as determined by the NMFS Status of U.S. Fisheries Report. Develop a control rule to adjust the buffer reduction to the OFL to reflect a change in status of the stock based on the NMFS status report.**

Possible Options for the Council to consider:

**Option 1:** No Action – No control rule. As specified in the 2010 and 2011 Caribbean ACL Amendments, the 0.85 buffer reduction coefficient applies to FMUs classified as undergoing overfishing and the 0.90 buffer reduction coefficient applies to FMUs classified as not undergoing overfishing. These buffers are not adjustable.

**Option 2:** Establish a mechanism to apply the buffer reduction to the OFL to adjust the ACL based on the NMFS Status of U.S. Fisheries Report. A 15 percent buffer reduction would apply if the FMU is classified as undergoing overfishing (0.85 reduction coefficient), and a 10 percent buffer reduction (0.90 reduction coefficient) would apply if the FMU is classified as not undergoing overfishing. In addition, determine to which FMUs these buffers would apply. Develop a rationale to exclude some species or species groups from this process, if justifiable (e.g., parrotfish, surgeonfish, angelfish, queen conch).

### Sub-Options:

A) Specify which NMFS status report will be used for the determination:

Sub-alternatives:

- a) Use 4<sup>th</sup> Quarter report of previous year
- b) 1<sup>st</sup> Quarter report
- c) 2<sup>nd</sup> Quarter report
- d) 3<sup>rd</sup> Quarter report

For example, use the 2<sup>nd</sup> Quarter status report (published in June/July). This report would indicate whether the unit is undergoing overfishing. Use this information to choose the applicable buffer. NMFS staff would apply the buffer and recalculate the ACL. The new ACL would be applied to the next fishing year.

B) Other Buffer Options?

**Option 3:** As a precautionary measure, add an additional buffer of X quantity to the buffer between the OFL and the ACL that addresses species that are classified as both undergoing overfishing and as overfished in the NMFS Status of U.S. Fisheries Report. This additional reduction buffer would specifically address overfished status.

**Other management options?**



## Discussion

This document describes the development of a control rule establishing a mechanism to adjust the ACL based on the current status of U.S. Caribbean FMUs as determined in the appropriate NMFS Status of U.S. Fisheries report (<http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>). The control rule shifts the buffer based on changes in overfishing status. The process would specify that when a species is classified as not undergoing overfishing, an x buffer reduction to the OFL would be used, and when a species is classified as undergoing overfishing, an x buffer to the OFL would be used. The current buffer used for species classified as undergoing overfishing is 15 percent ( $OFL \times 0.85$ ), and for species classified as not undergoing overfishing the buffer reduction is 10 percent ( $OFL \times 0.90$ ). These buffer reductions, applied to the OFL to determine the ACL, were established in the 2010 Caribbean ACL Amendment for FMUs classified as undergoing overfishing, and in the 2011 Caribbean ACL Amendment for FMUs classified as not undergoing overfishing (CFMC 2011a, b). A second proposed component of the control rule would establish a corollary mechanism for determining and applying a buffer reduction that responds to the overfished status of a FMU.

### **Mechanism to establish the Control Rule Adjusting the ACL**

This mechanism would be established through the amendment process, which includes a proposed and a final rule. The amendment would include outcomes of the analyses used to guide and explain the choice of mechanisms.

- 1) The Council would need to determine if the previously established buffers (0.85, 0.90) should continue to be used, taking into consideration that during preparation of the 2010 and 2011 Caribbean ACL Amendments, multiple buffer options were analyzed. The Council may consider if a reassessment of the buffer reductions for all units is needed. Also, consider if a reevaluation of all established reference points for federally managed U.S. Caribbean species is needed, for example by using more consistent approaches and more recent year sequences.
- 2) Closed vs. Open Framework - The proposed control rule would shift the specified buffer (i.e., 0.85, 0.90, other value) based on changes in overfishing status, and possibly based on changes in overfished status as well. If the control rule is established and implemented, a possible scenario could be that if the status of any unit changes in a pre-determined quarterly report, NMFS will publish a Federal Register notice applying the buffer according to the control rule (Closed Framework). Another possibility is that, if a unit changes in status, then the Council could decide to take public comments on the issue before a buffer is applied (Open Framework). After the comment period is closed, a final rule would be published adjusting the ACLs.
- 3) The Council should also determine which NMFS Status of U.S. Fisheries report to use and how to use the information provided in the report, taking into consideration the time needed to implement the change. For example, the reports on the status of the stocks are updated and published quarterly, and an annual report is usually published in May of the next year. While the decision regarding which report to use should consider using the most current information on the status of the stock, it should also take into consideration the time needed to apply the control rule and adjust the ACL so the new ACL could be applied for the next fishing year.



## Next Steps

If the Council decides to move forward with this action, the process to amend the FMPs would be initiated. An Options Paper/Scoping Document will be prepared for the December 2013 Council meeting. During that meeting, the Council can decide to take the action to public hearings during the Spring of 2014. This action would be expected to be completed by the Spring 2015.

DRAFT