groupers have been issued, the prohibition on the harvest or possession of red snapper applies in the South Atlantic, regardless of where such fish are harvested or possessed, i.e., in state or Federal waters.

3. In § 622.183, revise paragraph (b)(5)(i) to read as follows:

§ 622.183 Area and seasonal closures.

(i) The commercial and recreational sectors for red snapper are closed (i.e., red snapper may not be harvested or possessed, or sold or purchased) in or from the South Atlantic EEZ, except as specified in § 622.193(y). Each year, NMFS will announce the season opening dates in the Federal Register. The commercial season will begin on the second Monday in July, unless otherwise specified. The recreational season, which consists of weekends only (Fridays, Saturdays, and Sundays) begins on the second Friday in July, unless otherwise specified. NMFS will project the length of the recreational fishing season and announce the recreational fishing season end date in the Federal Register. See § 622.193(y), for establishing the end date of the commercial fishing season.

4. In § 622.187, revise paragraph (b)(9) to read as follows:

§ 622.187 Bag and possession limits.

(b) * * * * * * (9) Red snapper—1.

5. In § 622.191, revise paragraph (a)(9) to read as follows:

§ 622.191 Commercial trip limits.

(a) * * * * * * (9) Red snapper. Until the commercial ACL specified in § 622.193(y)(1) is reached, 75 lb (34 kg), gutted weight.

6. In § 622.193, revise paragraph (y) to read as follows:

§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(y) Red snapper—(1) Commercial sector. The commercial ACL for red snapper is 124,815 lb (56,615 kg), round weight. See § 622.183(b)(5) for details on the commercial fishing season. NMFS will monitor commercial landings during the season, and if commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for red snapper for the remainder of the year. On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited and harvest or possession of red snapper is limited to the recreational bag and possession limits and only during such time as harvest by the recreational sector is allowed as described in § 622.183(b)(5). This bag and possession limit and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, i.e., in state or Federal waters.

(2) Recreational sector. The recreational ACL for red snapper is 29,656 fish. The AA will file a notification with the Office of the Federal Register to announce the length of the recreational fishing season for the current fishing year. The length of the recreational fishing season for red snapper serves as the in-season accountability measure. See § 622.183(b)(5) for details on the recreational fishing season. On and after the effective date of the recreational closure notification, the bag and possession limits for red snapper are zero.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 622
[Docket No. 17122999–8208–02]
RIN 0648–BH46
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Abbreviated Framework Amendment 1

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement management measures described in Abbreviated Framework Amendment 1 (Abbreviated Framework 1) to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region, as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule reduces the commercial and recreational annual catch limits (ACLs) for red grouper in the exclusive economic zone (EEZ) of the South Atlantic. The purpose of this final rule is to address overfishing of red grouper.

DATES: This final rule is effective on August 27, 2018.

ADDRESSES: Electronic copies of Abbreviated Framework 1, which includes a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from www.regulations.gov or the Southeast Regional Office website at http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/s/2017/red_grouper_framework/index.html. NMFS included a reference to an environmental assessment in the proposed rule for Abbreviated Framework 1; however, and more specifically, a categorical exclusion was prepared, and is available upon request.

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: Frank.Helies@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic is managed under the FMP and includes red grouper, along with other snapper-grouper species. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights described in this final rule are in round weight.

On April 3, 2018, NMFS published a proposed rule for the framework action and requested public comment (83 FR 14234). The proposed rule and framework action outline the rationale for the action contained in this final rule. A summary of the management measure described in the framework action and implemented by this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule revises the ACLs for South Atlantic red grouper for both the commercial and recreational sectors. The current total ACL (commercial and recreational ACL combined) is 780,000 lb (353,802 kg). The total ACL is divided into a commercial sector ACL of 343,200
headboat (for-hire) recreational fishing

private recreational, and charter vessel/

individually as well as commercial,

Framework 1. The commenters included

proposed rule for Abbreviated

overfishing of red grouper.

this final rule is expected to end

overfishing limit, implementation of

ACLs will be set lower than the

average recreational landings from

through Abbreviated Framework 1. The

commercial ACL being implemented

50,204 lb (22,772 kg), which is less than

recreational ACL is set at 77,840 lb

subsequent fishing years. The revised

ACL is set at 77,840 lb

35,308 kg), for 2018, 84,000 lb (38,102

for 2019, and 90,720 lb (41,150 kg),

for 2020 and subsequent fishing years.

The total ACL is set at 139,000 lb

(63,049 kg) for 2018, 150,000 lb (68,039

kg) for 2019, and 162,000 lb (73,482 kg)

for 2020 and subsequent fishing years.

The total ACL is equal to the SSC's ABC

recommendation; the ABC

recommendation is the projection at

FRBUILD under low recruitment

scenarios, which equals the yield at

75%FSBY. This final rule does not

change the sector allocations.

For the last several years (2014–2016),

commercial landings have averaged

50,204 lb (22,772 kg), which is less than

the current commercial ACL being implemented

through Abbreviated Framework 1. The

recreational landings have been highly

variable since 2012, and using the

average recreational landings from

2014–2016, the reduced ACL for the

recreational sector is predicted to result

in a shortened recreational fishing

season, with closure dates ranging from

July 26 to August 19 and based on the

annual seasonal opening date of May 1.

If the red grouper stock experiences a

year of high recruitment, the proposed

reduced ACLs would constrain future

commercial ACLs and prevent overfishing.

Because the

ACLs will be set lower than the

overfishing limit, implementation of

this final rule is expected to end

overfishing of red grouper.

The majority of comments

opposed the reduction in the red

grouper ACLs. Six of those submissions

raised issues with the proposed red

grouper ACL reduction and

recommended other management

measures for reducing red grouper

harvest. These comments are

summarized with NMFS' responses

below. Additional comments that

specifically relate to the action in

Abbreviated Framework 1 and

contained in the proposed rule, as well as

NMFS' respective responses, are

summarized and responded to below.

Comment 1: NMFS should implement other management measures in place of the proposed ACL reductions, including trip limits, reduced bag limits, increased

size limits, and a closed season for

harvest with spear.

Response: While the management measures suggested could prove effective at slowing or even reducing red
grouper harvest, they would not serve as

substitutes for the reductions in the

ACLs. The Magnuson-Stevens Act and

its implementing regulations require all

FMPs to contain ACLs that prevent

overfishing. The current ACLs for the

red grouper stock far exceed what the

best available scientific information

indicates is necessary to prevent

overfishing; therefore, this rule reduces

current ACLs to acceptable levels.

Although the Council chose ACL

reductions to immediately address

overfishing of red grouper in the South

Atlantic, it may consider other

measures, such as those suggested by

public commenters, to constrain future

harvest. These comments are

summarized with NMFS' responses

below.

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Although the Council chose ACL

reductions to immediately address

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Atlantic, it may consider other

measures, such as those suggested by

public commenters, to constrain future

harvest. These comments are

summarized with NMFS' responses

below.

Comment 2: The red grouper ACLs

should not be reduced as the population

is abundant.

Response: NMFS disagrees. Based on

the latest stock assessment for South

Atlantic red grouper (SEDA R 53) completed in February 2017, NMFS determined that the stock is overfished, undergoing overfishing, and not making adequate rebuilding progress. The

Magnuson-Stevens Act requires NMFS to

notify the Council of these
determinations, and within 2 years of that

notification, implement regulations to

end overfishing immediately and

rebuild the stock. The Southeast

Fisheries Science Center produced

rebuilding projections based on SEDAR

53, and the Council’s SSC provided

ABC recommendations to end

overfishing of red grouper. Because the

ACLs would be set less than the

overfishing limit, Abbreviated

Framework 1 will end overfishing of red
grouper immediately upon

implementation of the final rule as well

as provide biological benefits to the

stock. Therefore, given the current stock

status, the ACL reductions in this final

rule are appropriate and are consistent

with the requirements of the

Magnuson-Stevens Act. Further, the Council

is currently developing a new red
grouper rebuilding plan through

Regulatory Amendment 30 to the FMP.

The Council is also considering changes to red
grouper management measures through

other regulatory amendments to the

FMP.

Comment 3: The proposed ACL

reduction is too drastic. The ACL

should be reduced by a lesser amount,

and any ACL change implemented

should be through a step-down

approach over several years.

Response: As explained in the

response to Comment 1, NMFS and the

Council are mandated by the

Magnuson-Stevens Act to implement regulations

that would end overfishing immediately

within 2 years of the Council’s

notification of stock status. In October

2017, the Council’s SSC provided an

ABC recommendation for 2018 of

139,000 lb (63,049 kg) to end

overfishing. The ACL cannot exceed

the ABC; therefore, the Council set the total

ACL equal to the ABC.

NMFS acknowledges the reduction in

the ACLs for commercial and

recreational harvest of red grouper is

considerable; however, based on

historical landings, the revised ACLs

would result in minimal actual

reduction in harvest. Since 2013, South

Atlantic red grouper annual landings

have totaled less than 30 percent of the

stock ACL. As described in

Abbreviated Framework 1, the reduced level of

observed landings is supported by

anecdotal information received from

commercial and recreational

stakeholders who often report an

absence of red grouper in large

quantities in the South Atlantic.

According to SEDAR 53, there is

uncertainty in what could cause the

low observed numbers of fish, and the

recent (since 2005) low spawning

trend may or may not continue into the

future.

Comment 4: The proposed ACL

reduction will have a significant

economic impact to commercial

fishermen, especially small operations

and family businesses.

Response: NMFS disagrees.

Commercial landings of red grouper

have been declining over the years, and

in the most recent year (2016),

landings have averaged 50,204 lb

(22,772 kg), which is less than the
commercial ACL proposed in Abbreviated Framework 1. In addition, red grouper has accounted for a relatively small percentage (2.7 percent) of total revenues from commercial landings of the approximately 240 federally permitted snapper-grouper commercial vessels that landed red grouper. Thus, any adverse impacts on commercial fishermen from the ACL reduction would likely be minimal, although NMFS recognizes that such impacts would be uneven across fishermen participating in red grouper harvest in the South Atlantic.

Classification

The Regional Administrator for the NMFS Southeast Region has determined that this final rule is consistent with the framework action, the FMP, the Magnuson-Stevens Act, and other applicable law. This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

Please note Abbreviated Framework Amendment 1 considered only one alternative to reduce the ACLs, based on the SSC recommendation, to meet the immediate and urgent need to end overfishing within 2 years as mandated by the Magnuson-Stevens Act. Amendment 30, which is currently being developed, will consider several alternatives for rebuilding the overfished red grouper stock.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. One comment from the public suggested that the rule would have significant economic impacts to commercial fishermen. NMFS disagrees with this comment as explained in the response to Comment 4 and as discussed in the proposed rule. No comments from the SBA’s Chief Counsel for Advocacy were received regarding the certification, and NMFS has not received any new information that would affect its determination. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Overfishing, Recreational, Red grouper, South Atlantic.


Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In §622.193, revise paragraph (d) to read as follows:

§622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

   (d) Red grouper—(1) Commercial sector. (i) If commercial landings for red grouper, as estimated by the SRD, exceed the commercial ACL, specified in paragraph (d)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red grouper is prohibited and harvest or possession of red grouper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters.

   (ii) If the commercial landings for red grouper, as estimated by the SRD, exceed the commercial ACL, specified in paragraph (d)(1)(iii) of this section, and the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year, and the species is overfished based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

   (iii) If commercial landings for red grouper, as estimated by the SRD, exceed the commercial ACL, specified in paragraph (d)(1)(i) of this section, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

   (iii) The commercial ACL for red grouper is 61,160 lb (27,742 kg), round weight, for 2018; 66,000 lb (29,937 kg), round weight, for 2019; and 71,280 lb (32,332 kg), round weight, for 2020 and subsequent fishing years.

   (2) Recreational sector. (i) If recreational landings for red grouper, as estimated by the SRD, are projected to reach the recreational ACL, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

   (ii) The recreational ACL for red grouper is 77,840 lb (35,308 kg), round weight, for 2018; 84,000 lb (38,102 kg), round weight, for 2019; and 90,720 lb (41,150 kg), round weight, for 2020 and subsequent fishing years.

   (iii) If recreational landings for red grouper, as estimated by the SRD, exceed the recreational ACL, specified in paragraph (d)(2)(ii) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

   (3) The combined commercial and recreational ACL for red grouper is 139,000 lb (63,049 kg), round weight, for 2018; 150,000 lb (68,039 kg), round weight, for 2019; and 162,000 lb (73,482 kg), round weight, for 2020 and subsequent fishing years.

* * * * *

[FR Doc. 2018–15971 Filed 7–25–18; 8:45 am]

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