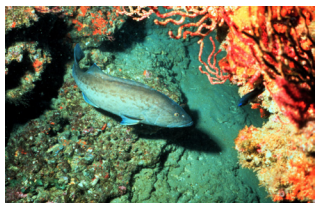




# PUBLIC HEARING GUIDE



## Reef Fish Amendment 32 Gag and Red Grouper



*Provisions in the Magnuson-Stevens Fishery Conservation and Management Act require regional fishery management councils to develop annual catch limits and accountability measures for managed species by 2010 for species subject to overfishing and by 2011 for all other species to ensure that overfishing does not occur*



## Table of Contents

What is a Public Hearing?	1
Introduction to Amendment 32	2
Action 1 - Rebuilding Plan for Gag	3
Action 2 - Recreational Bag Limits, Size Limits and Closed Seasons for Gag/Red Grouper	3
Action 3 - Commercial Gag and Shallow-water Grouper Quota Adjustment to Account for Dead Discards	4
Action 4 - Adjustments to Multi-use IFQ Shares	5
Action 5 - Commercial Gag Size Limit	6
Action 6 - Time and Area Closures	7
Action 7 - Gag, Red Grouper, and Shallow-water Grouper Accountability Measures	10
Action 7.1 - Gag, Red Grouper, and Shallow-water Grouper Commercial Accountability Measures	10
Action 7.2 - Gag and Red Grouper Recreational Accountability Measures	11

### What is a Public Hearing?

A public hearing is held near the end of the fishery management plan process and provides the public with an opportunity to comment on a fishery management plan or amendment that the Gulf of Mexico Fishery Management Council is developing. Public hearings are conducted after the Council has selected a preferred alternative for each proposed action in the plan or amendment. Public comments should focus on the alternatives contained in each action. Suggestions, issues, and concerns expressed during the public hearing are then presented to the Council for review and consideration before final action is taken.

### How does a public hearing affect fisheries management?

Comments provided during the public hearing process are witnessed by at least one Council member and are reported to the full Council prior to final action. Your input is considered as the Council deliberates and chooses the most appropriate management measures to address the issue(s) at hand.

### How else can I get involved?

There are many ways you can help the Gulf of Mexico Fishery Management Council identify fishery management needs and develop reasonable management alternatives. There is a range of options for participation in fisheries management, each dependent on how actively involved you want to become. The first step to becoming involved is to educate yourself about the management process by visiting our website at [www.gulfcouncil.org](http://www.gulfcouncil.org), signing up to receive our communications, and contacting Council members and staff to discuss management. You can attend meetings, serve on panels and committees that advise the Council on fisheries, and even apply to become a Council member.

## Introduction to Amendment 32

Gag and red grouper are the two most abundant grouper species in the Gulf of Mexico, accounting for 93% of recreational grouper landings and 80% of all commercial grouper landings. The commercial fishery is responsible for the majority of red grouper landings, while the recreational fishery is responsible for the majority of gag landings.

As a result of the 2009 update stock assessment NOAA Fisheries determined that the Gulf of Mexico gag stock was overfished and undergoing overfishing. The Gulf of Mexico Fishery Management Council initiated Amendment 32 to address the overfishing of gag and develop a stock rebuilding plan in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The Act requires that overfishing be ended within 2 years of the determination and that overfished stocks be rebuilt to sustainable levels in no longer than 10 years.

Currently, the red grouper stock in the Gulf of Mexico is neither overfished nor undergoing overfishing. Amendment 32 will increase the red grouper catch limits in response to the improved status of the stock, and increase the recreational red grouper bag limit to allow a better opportunity to harvest its complete allocation.

Amendment 32 establishes a rebuilding plan for gag and gradually increases the gag yield in accordance with the rebuilding plan. The amendment will also increase catch limits for red grouper and adjust management measures to allow a continued harvest at optimum yield. Optimum yield is the amount of fish harvested that will provide the greatest overall benefit to the nation.

The following is a brief synopsis of each action contained within amendment 32. The alternatives have all been defined and analyzed as viable options for managing the fisheries in order to achieve the mandates of the Magnuson-Stevens Act.

<b><u>Catch Limits &amp; Catch Targets</u></b>		
<u>Gag</u>		
<u>Year</u>	<u>Annual Catch Limit</u>	<u>Annual Catch Target</u>
2011-current	1.58	1.28
2012	2.02	1.69
2013	2.45	2.11
2014	2.82	2.49
2015+	3.12	2.80
<u>Red Grouper</u>		
2011-current	6.31	5.68
2012+	7.93	7.22

## Amendment 32 - Summary of Actions

### **Action 1: Rebuilding Plan for Gag**

Under the Magnuson-Stevens Act Council must end overfishing and implement fisheries management plans that aim to rebuild overfished stocks to healthy, sustainable levels within 10 years. Additionally, these rebuilding plans must be put into place no later than 2 years after a stock is determined to be overfished. Gag was determined to be overfished and undergoing overfishing in 2009, and now the Gulf of Mexico Fishery Management Council must choose a rebuilding plan that will follow the mandates of the Magnuson-Stevens Act.

Alternative 1: No action: Do not specify a rebuilding plan for Gag  
(Preferred) Alternative 2: Establish a rebuilding plan that will rebuild the gag stock to a level consistent with producing maximum sustainable yield in 10 years or less.

Alternative 3: Establish a rebuilding plan that will rebuild the gag stock to a level consistent with producing maximum sustainable yield in 7 years or less.

Alternative 4: Establish a rebuilding plan that will rebuild the gag stock to a level consistent with producing maximum sustainable yield in 5 years.

### **Action 2: Recreational Bag Limits, Size Limits, and Closed Seasons for Gag/Red Grouper.**

#### **2.2.1 Gag Scenarios**

*These alternatives will be set for 2012, and will be revisited each year afterwards. In order to meet the gag rebuilding plan the Council must choose alternatives that will reduce recreational gag harvest, or total removals. Management measures must meet at least the ACL reductions but should be targeted to meet the ACT reductions in order to account for management uncertainty. Total removal reductions needed in 2012 to achieve the gag rebuilding plan based on different baseline years are:*

	<u>2006-08</u>	<u>2009</u>
ACL	53%	36%
ACT	61%	47%

Alternative 1: No action. Do not modify the bag limits, size limits or closed seasons for the recreational gag fishery.

Alternative 2: Set the 2012 open season to be the same as in 2011, i.e., September 16 through November 15, 22 inch minimum size limit, 2 fish gag bag limit, 4 fish aggregate bag limit

- 61 fishing days
- 60% total removal reduction

Alternative 3: Split the open season to provide two fishing seasons: January 1-31 and April 1-30, 22 inch minimum size limit, 2 fish gag bag limit, 4 fish aggregate bag limit

- 61 fishing days
- 52-56% total removal reduction

(Preferred) Alternative 4: Set the longest season possible while meeting ACT target under at least one baseline: July 1 through October 31, 22-30 inch slot size limit, 2 fish gag bag limit, 4 fish aggregate bag limit.

- 123 fishing days
- 54%-56% total removal reduction

Alternative 5: (Reef Fish Advisory Panel recommendation) Split the gag open season to provide two fishing seasons: a winter season January 1-31 and December 24-31, and a summer season June 1-July 7; 22-inch minimum size limit; 1 fish gag bag limit; 4 fish aggregate bag limit.

- 76 fishing days
- 46%-52% total removal reduction

### **2.2.2 Red Grouper Bag Limit**

*The red grouper stock is neither overfished nor undergoing overfishing. The recreational sector has not caught its allocation of red grouper in recent years, and with an increase in catch limits in 2012 a relaxation of recreational red grouper regulations is warranted.*

Alternative 1: No action. The red grouper bag limit remains at 2 fish per person.

Alternative 2: Increase the red grouper bag limit to 3 fish per person. At the end of any season if it is determined that the recreational sector has exceeded its red grouper annual catch limits, the bag limit will revert back to 2 fish.

(Preferred) Alternative 3: Increase the red grouper bag limit to 4 fish per person. If, at the end of any season it is determined that the recreational sector has exceeded its red grouper Annual Catch Limit (ACL), the bag limit will be reduced to 3. If at the end of any subsequent season it is determined that the recreational sector has exceeded its red grouper annual catch limit again, the bag limit will revert back to 2 fish.

### **Action 3: Commercial Gag and Shallow-water Grouper Quota Adjustment to Account for Dead Discards**

*Commercial harvest of grouper is managed under an Individual Fishing Quota (IFQ) system. Under this system fishermen own shares that represent a percentage of each year's commercial harvest quota. Under the gag rebuilding plan there are a very limited amount of gag IFQ shares available. Fishermen fishing for other grouper species will catch gag as bycatch and may be forced to discard those gag that they*

could have kept in the past. While there may be a reduction in gag bycatch because fewer fishermen are targeting gag, data on gag bycatch from fishermen targeting other grouper does not yet exist because the grouper IFQ program has only been in place for one year. As a precautionary measure, in the 2011 interim rule the Council set the commercial gag quota at 86% of the annual catch target. This action considers options for adjusting the commercial gag quota for at least 4 years to account for the gag that may be caught as bycatch and discarded dead under limited IFQ shares.

Alternative 1: No action. The commercial gag quota and shallow-water grouper quota will not contain any adjustment for dead discards of gag. Commercial quotas in million pounds gutted weight will be as follows:

<u>Year</u>	<u>Gag Commercial Quota</u>
2012	0.659
2013	0.823
2014	0.971
2015+	1.092

(Preferred) Alternative 2: Reduce the gag commercial quota to 86% of the ACT to compensate for dead discards not being reduced to projected levels needed to achieve 100% of the ACT. Commercial quotas in million pounds gutted weight will be as follows:

<u>Year</u>	<u>Gag Commercial Quota</u>
2012	0.567
2013	0.708
2014	0.835
2015+	0.939

Alternative 3: Reduce the gag commercial quota to 47% of the ACT to compensate for dead discards not being reduced to projected levels needed to achieve 100% of the ACT. Commercial quotas in million pounds gutted weight will be as follows:

<u>Year</u>	<u>Gag Commercial Quota</u>
2012	0.310
2013	0.387
2014	0.456
2015+	0.513

#### **Action 4: Adjustments to Multi-use IFQ Shares**

When the grouper Individual Fishing Quota (IFQ) program was implemented in January of 2010, Reef Fish Amendment 29 established that 4% of the red grouper allocation and 8% of the gag allocation would be converted to multi-use shares, which could be used for either species. These multi-use shares were created to allow

for some flexibility in the IFQ program and account for variations in gag and red grouper ratios across the Gulf. Due to the reduced gag annual catch limits expected to be implemented in this amendment, the current multi-use allocations could allow the commercial sector to exceed its annual catch limit. This action considers adjustments to the current multi-use allocations that may prevent the commercial sector from exceeding its annual catch limit.

Alternative 1: No Action. Do not modify percentages of red grouper and gag IFQ allocation converted into multi-use allocation. At the beginning of each fishing year, 4% of red grouper allocation would be converted into multi-use allocation and 8% of gag allocation would be converted into multi-use allocation.

Alternative 2: Based on the commercial gag ACL, gag allocation, and red grouper allocation, set the percentage of red grouper IFQ allocation converted into multi-use allocation as follows:

$$\text{Red Grouper Multi-use (in percent)} = 100 * [\text{Gag ACL} - \text{Gag Allocation}] / \text{Red Grouper Allocation}$$

The red grouper multi-use percentage will be recalculated following adjustments in commercial gag ACL, gag allocation, or red grouper allocation.

Alternative 3: Based on the commercial red grouper ACL, red grouper allocation, and gag allocation, set the percentage of gag IFQ allocation converted into multi-use allocation as follows:

$$\text{Gag Multi-use (in percent)} = 100 * [\text{Red Grouper ACL} - \text{Red Grouper Allocation}] / \text{Gag Allocation}$$

The gag multi-use percentage will be recalculated following adjustments in red grouper ACL, red grouper allocation, or gag allocation.

(Preferred) Alternative 4: While the rebuilding plan for gag is in effect, set the percentage of red grouper IFQ allocation converted into multi-use allocation equal to zero. Upon completion of the rebuilding plan, set the red grouper multi-use percentage as follows:

$$\text{Red Grouper Multi-use (in percent)} = 100 * [\text{Gag ACL} - \text{Gag Allocation}] / \text{Red Grouper Allocation}$$

The red grouper multi-use percentage will be recalculated following adjustments in commercial gag ACL, gag allocation, or red grouper allocation.

## **Action 5. Commercial Gag Size Limit**

*When fish are caught and released there is always a chance that those fish will die upon release, or shortly thereafter. This rate of death, referred to as release mortality, varies across different fish species, gear types, depths, handling and more. Because the commercial gag fishery operates in deeper waters on average than the recreational fishery, release mortality is much higher, averaging 67%. Reducing the size limit of commercially caught gag is one way to reduce the rate of release mortality. The number of fish discarded will decrease and release mortality rates*

*should decrease because fishermen will be keeping smaller fish that they would have otherwise thrown back. Reduction in the minimum size limit will not increase the commercial harvest of gag because they are managed with an Individual Fishing Quota (IFQ) system under which each fisherman has a share of the annual catch limit that cannot be exceeded.*

Alternative 1: No action. The commercial gag minimum size limit remains at 24 inches total length.

(Preferred) Alternative 2: Reduce the commercial gag minimum size limit to 22 inches total length.

Alternative 3: Reduce the commercial gag minimum size limit to 20 inches total length.

Alternative 4: Eliminate the commercial gag minimum size limit.

## **Action 6. Time and Area Closures**

*Currently there are three marine protected areas (MPA's) in the north eastern Gulf of Mexico; Madison-Swanson, The Edges, and Steamboat lumps. These time and area closures were established to protect spawning aggregations of gag, and to protect a portion of the male gag population that is particularly vulnerable to fishing during spawning. Gag spawning occurs on offshore reefs from southeast of Apalachicola to west of Tampa, and possibly further to the south. In this action, Council considers the establishment of new time and area closures.*

\*Note: in this action more than one alternative and option can be selected as preferred

Alternative 1: No Action. Do not create additional time and area closures that prohibit fishing for gag and other reef fishes.

Alternative 2: Close an area that would expand the Madison-Swanson Restricted Fishing Area to the north and west (approximately 70 square nm additional), making one continuous area.

Boundaries for additional area:

- 1) 29° 20' N, 85° 55' W (new NW corner)
- 2) 29° 20' N, 85° 38' W (new NE corner)
- 3) 29° 17' N, 85° 38' W (current NE corner)
- 4) 29° 17' N, 85° 50' W (current NE corner)
- 5) 29° 14' N, 85° 50' W (current NW corner)
- 6) 29° 14' N, 85° 55' W (SW corner of extension)

Alternative 3: Close an area bracketing the 40-fathom contour between the current closed areas of Madison-Swanson and the Edges (approximately 244 square nm), making it one continuous area.

Boundaries for additional area:

- 1) 29° 6' N, 85° 37' W (Existing SE boundary of Madison-Swanson)
- 2) 29° 16' N, 85° 37' W (Existing NE boundary of Madison-Swanson)
- 3) 28° 51' N, 85° 16' W (Existing NW boundary of the Edges)
- 4) 29° 51' N, 85° 4' W (Existing NE boundary of the Edges)

Alternative 4: Modify the seasonal closure dates of The Edges 40 fathom contour area (approximately 390 square nm). Currently, all fishing is prohibited January 1 through April 30, all fishing is allowed May 1 through December 31.

Alternative 5: Modify the seasonal closure dates of Madison-Swanson (approximately 115 square nm) and Steamboat Lumps (approximately 104 square nm) areas. Currently, all fishing is prohibited November 1 through April 30 and surface trolling for species other than reef fish is allowed May 1 through October 31.

For Actions 2-5, the period and type of fishing closure that can be selected:

Option a: all fishing prohibited November 1 through April 30, surface trolling allowed May 1 through October 31 (Identical to Madison-Swanson and Steamboat Lumps regulations).

Option b: all fishing prohibited November 1 through April 30, all fishing allowed May 1 through October 31 (Time of year identical to Madison-Swanson and Steamboat Lumps, but different regulations).

Option c: all fishing prohibited January 1 through April 30, all fishing allowed May 1 through December 31 (Identical to current Edges regulations).

Option d: all fishing prohibited year-round.

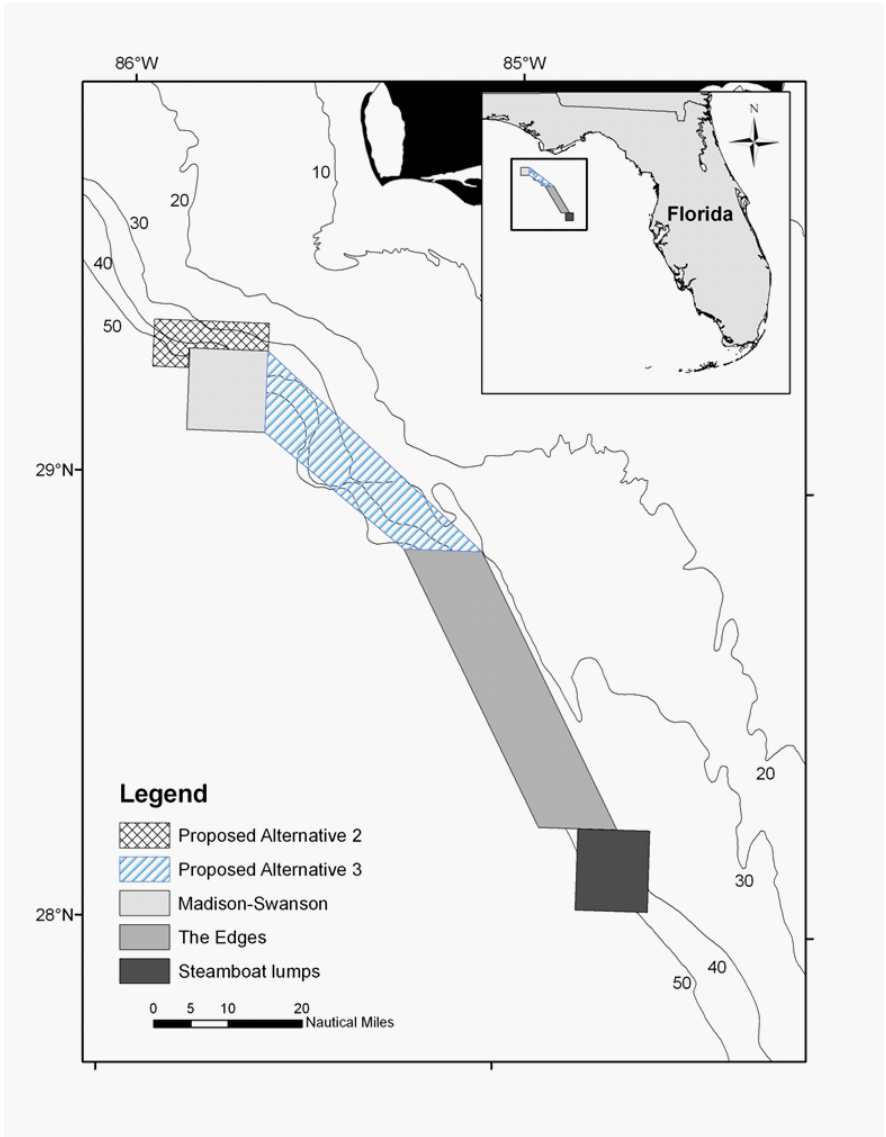


Figure 2.6.1. Current west Florida Marine Protected Areas (Madison-Swanson, the Edges, and Steamboat Lumps) and proposed Alternative 2 and 3 area closures.

## **Action 7. Gag, Red Grouper, and Shallow-water Grouper Accountability Measures**

*Fish stocks in the Gulf of Mexico Fishery Management Council are managed with annual catch limits (ACL's) that determine the amount of fish that can be harvested each year. If annual catch limits are exceeded then accountability measures are triggered. Accountability measures are designed to both prevent annual catch limits from being exceeded, and to correct any overages if annual catch limits are exceeded.*

### **2.7.1 Action 7.1 Gag, Red Grouper, and Shallow-water Grouper Commercial Accountability Measures.**

*Currently, the commercial grouper fishery is managed under an Individual Fishing Quota (IFQ) program. Under this program each fisherman is allocated pounds of fish each year based on the number of IFQ shares they have. The fishermen can use this allocation year round, and they are closely monitored to ensure compliance with their individual allotment. Once an individual's yearly allocation is used up for a particular species, that fisherman can no longer harvest that fish. This action reviews whether the current accountability measures in place for the commercial fishery are necessary and/or appropriate under the current grouper IFQ program.*

Alternative 1: No action. Retain the existing accountability measures for gag, red grouper, and shallow-water grouper. These measures are if commercial landings, as estimated by the Southeast Fisheries Science Center, reach or are projected to reach the red grouper, gag, or shallow-water grouper quota, then the Assistant Administrator for Fisheries will file a notification closing the commercial shallow-water grouper fishery in accordance with current quota closure protocols. In addition, if despite such a closure, commercial red grouper, gag, or shallow-water grouper landings exceed the respective annual catch limits, then the Assistant Administrator for Fisheries would file a notification maintaining the prior year red grouper, gag, or shallow-water grouper commercial quota in the following fishing year.

(Preferred) Alternative 2: The accountability measures for the gag, red grouper and shallow-water grouper commercial sector will be the current individual fishing quota program.

### **2.7.2 Action 7.2. Gag and Red Grouper Recreational Accountability Measures**

*There are two types of accountability measures: in-season accountability measures that are designed to prevent annual catch limits from being exceeded; and post-season accountability measures that correct annual catch limit overages after they have occurred. Currently, the red grouper and gag accountability measures for the recreational sector are post-season measures. If the recreational sector exceeds the annual catch limit, then the prior years annual catch limit will be maintained (annual catch limits cannot be increased) and the length of the recreational shallow-water grouper fishing season will be shortened for the following year to ensure that recreational landings do not exceed the target catch levels for that year.*

In this action the Council is looking at using one or both of the following accountability measures:

- Overage adjustment - if the annual catch limit is exceeded and the stock is under a rebuilding plan the following years annual catch limit will be reduced by the amount it was exceeded in the previous year.
- In-season accountability measures - if landings are projected to exceed the annual catch limit the recreational harvest for the species will be closed for the remainder of the year on the date that the limit is projected to be reached.

Alternative 1: No action. Retain the existing accountability measures for gag and red grouper.

Alternative 2: Add an overage adjustment to the existing accountability measures should gag or red grouper be overfished.

Alternative 3: Add in-season accountability measures to the existing accountability measures.

(Preferred) Alternative 4: Add an overage adjustment to be applied when gag or red grouper are considered overfished and in-season accountability measures to the existing gag and red grouper accountability measures.







## **Gulf of Mexico Fishery Management Council**

2203 N. Lois Avenue  
Suite 1100  
Tampa, FL 33607

Tel: 813-348-1630

Fax: 813-348-1711

Email: [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org)

Web site: [www.gulfcouncil.org](http://www.gulfcouncil.org)