

**Reef Fish Committee Report  
August 8-9, 2017  
John Greene – Chair**

The agenda was approved as written. The minutes of the June 5-6, 2017 Committee meeting were approved as written.

**Final Action – Framework Action – Greater Amberjack ACL and Management Measures**  
(Tab B, No. 4a)

The Committee reviewed the draft framework action that considers changes to greater amberjack management measures. The Committee reviewed alternatives in Action 1 that would modify the greater amberjack rebuilding time, annual catch limits, and annual catch targets.

**Without opposition, the Committee recommends, and I so move, In Action 1, to make Alternative 2, Option a, the preferred alternative.**

**Alternative 2:** Set the ACL equal to the ABC recommended by the Scientific and Statistical Committee (SSC) from 2018 through 2020+, based upon the Southeast Data, Assessment, and Review (SEDAR) 33 Update Assessment (2016). This alternative is projected to rebuild the stock by 2027.

**Option a.** Apply the ACL/ACT Control Rule (landings from 2013 through 2016) to establish a 13% buffer to the commercial sector and a 17% buffer to the recreational sector.

Year	Recreational			Commercial	
	ABC	ACL	ACT	ACL	ACT
<b>2018</b>	1,182,000	862,860	716,173	319,140	277,651
<b>2019</b>	1,489,000	1,086,970	902,185	402,030	349,766
<b>2020+</b>	1,794,000	1,309,620	1,086,985	484,380	421,411

The Committee also discussed Action 2 that would modify the fixed recreational closed season. The Committee discussed that modifying greater amberjack recreational season could provide additionally flexibility to management, provide additional protection during spawning or improve access to specific regions in the Gulf. However, the Committee determined that additional analyses and further consideration of the alternatives are necessary but did not wish to delay action on adjusting the ACL to rebuild the stock. As an *interim* decision, the Committee passed the following motion.

**Without opposition, the Committee recommends and I so move: In Action 2, to make Alternative 4 the preferred alternative.**

**Alternative 4:** Modify the recreational closed season to be January 1 – June 30.

This Committee emphasized that this is an *interim* decision that would allow the implementation of the new ACL while providing additional time to evaluate the recreational closed season. The Council will evaluate alternatives to modify the recreational closed season and consider implementing vessel limits in a subsequent management action. The objectives of the additional recreational management measures are to constrain harvest to the management target and extend the fishing season.

**Without opposition, the Committee recommends, and I so move: To approve the Greater Amberjack ACL and Management Measures and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.**

The Committee requested additional options to modify the recreational closed season and vessel limits that would reduce recreational catch per trip below one fish per person per vessel per trip:

- Modify the recreational closed season to be January 1- March 31, and re-open August 1 and remain open until ACT is harvested;
- Modify the recreational closed season to be January 1- April 30, and re-open August 1 and remain open until ACT is harvested;
- Modify the recreational closed season to be January 1- April 30, and re-open September 1 and remain open until ACT is harvested;

The Council previously considered vessel limits for greater amberjack in Amendment 30a that would have reduced recreational catch per trip below one fish per person per vessel per trip. Based on the analysis in that amendment, vessel limits could have reduced the rate of harvest but may have had disproportionate effects on anglers fishing on headboats, charter boats, or private vessels. Based on the previous analyses in Amendment 30a, a bag limit of one fish per three anglers with no allowance for fewer anglers would be required to reduce harvest by at least 32 percent (see summary table below).

Table 2.1.5. Greater Amberjack Fractional Bag Limits. Source - MRFSS, Texas, and Headboat data averaged from 2003 through 2005. The SEDAR 9 stock assessment assumed 20 percent release mortality.

Release Mortality	Bag Limit	Allowance for fewer anglers			No allowance for fewer anglers		
		Weighted % Reduction			Weighted % Reduction		
0%	1	0%			0%		
	1 per 2	25%			33%		
	1 per 3	35%			52%		
10%	1	0%			0%		
	1 per 2	23%			30%		
	1 per 3	31%			47%		
20%	1	0%			0%		
	1 per 2	20%			26%		
	1 per 3	28%			41%		
Bag Limits by number of anglers on-board							
Anglers	1	2	3	4	5	6	etc.
With allowance for fewer anglers							
1 per 2	1	1	2	2	3	3	etc.
1 per 3	1	1	1	2	2	2	etc.
With no allowance for fewer anglers							
1 per 2	0	1	1	2	2	3	etc.
1 per 3	0	0	1	1	1	2	etc.

**Without opposition, the Committee recommends, and I so move: To have staff develop a Framework Action for greater amberjack management measures dealing with seasons and vessel bag limits.**

**Amendment 42 – Reef Fish Management for Headboat Survey Vessels (Tab B, Nos. 5a, 5b)**

Staff summarized the referendum eligibility requirements for Reef Fish Amendment 42 (Tab B, No 5b). Committee members discussed the alternative eligibility criteria for participation in the referendum and approved the following motion:

**By voice vote without opposition, the Committee recommends and I so move to select Alternative 2, Option b as the preferred alternative and option.**

**Alternative 2:** Restrict participation in the referendum to persons who have a valid or renewable federal reef fish for-hire permit issued to a landings history vessel (LHV) and who have substantially fished for red snapper, gray triggerfish, greater amberjack, red grouper, or gag based on landings submitted to the SRHS during the qualifying years. A vessel qualifies as a LHV if it has individual landings history recorded by the Southeast Region Headboat Survey by December

31, 2015. For-hire federal permit holders whose vessels landed an annual average of at least 100 fish of all species combined are considered as having substantially fished. Annual average landings are based on landings recorded by the SRHS between 2011 and 2015.

**Option b:** Each eligible permit will have one vote regardless of the relative size of the vessel's catch history.

Staff noted that approval of a referendum initiation letter would be needed. Roy Crabtree indicated that if the Council wanted to send referendum requirements to the Secretary, members could approve a motion to that effect. Dr. Crabtree recommended that the Council postpone discussions relative to sending referendum requirements to the Secretary until October. A motion to send the referendum eligibility requirement to the Secretary of Commerce for review and implementation failed.

The Committee requested that staff bring back the referendum eligibility requirements in October. Committee members requested staff expand the section on the Next Steps (Chapter 5) to detail all the steps included in the referendum process and discuss the information provided to eligible voters before they cast their referendum ballots.

#### **Amendment 41 – Allocation-based Management for Federally Permitted Charter Vessels (Tab B, Nos. 6a, 6b)**

Staff gave an overview of the updates to Amendment 41 since the June Council meeting and noted the preferred alternatives selected at that meeting. Staff then noted the request made during the Committee's discussion of Amendment 42's Referendum Eligibility Requirements to update the Next Steps section with a more detailed timeline in the referendums for both Amendment 41 and 42. Staff discussed the Referendum Eligibility Requirements for Amendment 41. The Committee asked for additional information regarding unique permit holders with multiple permits. Dr. Stephen explained that, as currently written, unique permit holders would have one vote for each permit held. The Committee then made the following motion:

**Without opposition, the Committee recommends and I so move, to include in the Amendment 41 Eligibility Requirements, an option that would create the voting interest by unique number of permit holders and also by a weighted option by unique permit holders and total permits held.**

Staff will present an updated Referendum Eligibility Requirements document at the October Council meeting.

#### **Review of For-hire Permit Moratorium and Transfers (Tab B, Nos. 7a, 7b)**

Staff gave a presentation on the review of the for-hire permit moratorium and transfers. Staff noted that the limited access program appears to have met its objectives. Committee members expressed concern that some for-hire reef fish permitted vessels may transfer permits on and off a vessel to take advantage of state and federal red snapper seasons. Staff indicated that the review of for-hire reef fish permit transfers does not indicate unusual reef fish permit transfer

behavior. Jessica Stephen added that based on their examination of the data, there appear to be only a handful of vessels with transfer behavior that could potentially suggest attempts to take advantage of both seasons. Charles Tyre explained that law enforcement views a vessel as for-hire vessel once it is associated with a permit, even if that permit is removed later in the year, as such, the vessel cannot fish in state waters or possess red snapper outside the federal season.

**Draft – Framework Action to Modify the ACT for Red Snapper Federal For-Hire and Private Angler Components (Tab B, No. 8)**

Staff reviewed the framework action to modify the recreational red snapper ACT buffers with the Committee. New alternatives were presented in a component-specific manner, as per the Council’s previous request. Committee members stated that the federal for-hire component was regularly under-fishing its ACL, which seemed to be more a function of the length of the season as determined by NMFS rather than a lack of effort by that component. Dr. Crabtree noted that Section 407(d) states that the recreational sector for red snapper must be managed using annual catch limits, and refers to this requirement for the recreational sector as a whole. Further, increasing the buffer on the private angler component beyond 20% may eliminate the federal waters fishing season for recreational red snapper for that component, since approximately 80% of the landings of red snapper by private anglers come from state waters fishing seasons. The Committee determined that further clarification on the proposed alternatives was necessary.

**Without opposition, the Committee recommends, and I so move, to ask the SSC to review the alternatives in the Framework Action to Modify the ACT for Red Snapper Federal For-Hire and Private Angler Components document and provide their recommendations.**

**Presentation on the Grouper-Tilefish IFQ 5-Year Program Review (Tab B, No. 9)**

Staff gave a presentation on the 5-year review of the grouper/tilefish individual fishing quota program. The presentation included an overview of the IFQ program and discussed several items. Items discussed included share and allocation ownership and transfers, the influence of the IFQ program on ex-vessel prices, technical efficiency and safety at sea. Committee members discussed price fluctuations and noted the negative influence of the 2010 oil spill on the grouper tilefish harvests and ex-vessel prices. Staff noted that a draft review document will be discussed by the SSC. Committee members inquired about providing the appropriate AP an opportunity to comment on the 5-year review. Staff indicated that the 5-year review will be presented to the appropriate AP.

**Revised Options Paper – Amendment 36B – Modifications to Commercial IFQ Programs (Tab B, No. 10)**

Staff noted that the legal determination previously requested by the Council regarding auctions was under review and not yet available. Staff noted that the Committee could provide new program goals and objectives to support the potential actions in the document. Staff then

reviewed the options paper. The Committee discussed their intended purpose for Action 2.3, quota redistribution or set-asides.

**With one opposed, the Committee recommends and I so move, to identify quota set asides to address and assist small participants and new entrants and to reduce discards.**

The Committee discussed Action 2.4, distributing shares from non-activated accounts, which was moved to this document from Amendment 36A. Noting the small amount of total quota held in the accounts, the Committee expressed interest in adding this quota to the quota set-aside being considered in Action 2.3.

**With no opposition, the Committee recommends and I so move, to combine Action 2.4 into Action 2.3.**

In Action 2.5, restrictions on share and allocation transfers, staff asked whether the Committee's intent of the action is addressed in other actions in the document. By consensus, the Committee removed Section 2.5 from the document. In Action 2.6, allocation caps, Dr. Crabtree asked the Committee whether the action was necessary or should be removed. The Committee decided to resume discussion after hearing public testimony.

The Committee asked whether there is an existing advisory panel that includes representation by participants of both the red snapper and grouper-tilefish IFQ programs. There is currently an Ad Hoc Red Snapper IFQ AP, which was last convened in 2013. The Committee decided to resume discussion on the appropriate AP to review this document following public testimony.

### **Options Paper – Status Determination Criteria and OY (Tab B, Nos. 11a, 11b)**

Staff presented a review of the biological reference points discussed in the options paper for setting status determination criteria and optimum yield for reef fish and red snapper. Committee members asked if there were any issues with including red drum, which makes the amendment a joint Reef Fish/Red Drum FMP amendment. Staff responded that there were no issues with including red drum, other than there has been no recent red drum assessment. A Committee member asked if staff was coordinating with scientific agencies and other Councils. Staff responded that it would seek guidance from the SSC. Staff noted that the South Atlantic Council had already addressed its status determination criteria issues. Other Councils were not addressing these issues at this time.

For Action 2 (MSST), staff asked for guidance on simplifying the range of alternatives. Staff suggested that Alternative 3 ( $MSST = (1-M) \cdot B_{MSY}$  or  $0.75 \cdot B_{MSY}$ ) was unnecessarily complex. Also, Alternative 4 ( $MSST = 0.85 \cdot B_{MSY}$ ) produced results similar to Alternative 2 ( $MSST = (1-M) \cdot B_{MSY}$ ) and did not appear to add anything. Removing these alternatives would still leave a full range of alternatives.

**Without opposition, the Committee recommends and I so move, in Action 2 to remove Alternatives 3 and 4.**

**Alternative 3:** For stocks where MSST is currently undefined,  $MSST = (1-M) * B_{MSY}$  (or proxy) or  $0.75 * B_{MSY}$  (or proxy), whichever provides a larger buffer between MSST and  $B_{MSY}$  (or proxy).

**Alternative 4:** For stocks where MSST is currently undefined,  $MSST = 0.85 * B_{MSY}$  (or proxy).

#### **Drafts – State Management of Recreational Red Snapper (Tab B, Nos. 12a, 12b, 12c, 12d)**

Staff explained the structure of the four documents. The State Management Program for Recreational Red Snapper document contains actions that affect all states, regardless of participation in state management. Action 1 addresses the components of the recreational sector to include in state management programs.

**By a voice vote with no opposition, the Committee recommends and I so move, in Action 1, to make Alternative 4 the preferred alternative.**

**Alternative 4:** For a state with an approved state management program, the state will choose whether to manage its private angling component, only, or to manage both its private angling and federal for-hire components. The state must constrain landings to the state's private angling component ACL and federal for-hire component ACL as determined in Action 2. For states without an approved state management program, separate fishing seasons based on the component ACTs for the federal for-hire and private angling components would be estimated using the remainder of the recreational sector ACL. The state management plan would end when the separate private angling and federal for-hire ACLs end (currently 2022).

In Action 2, the Committee discussed the range of alternatives for apportioning the recreational sector ACL among the states. The Committee would like to consider alternative approaches to allocating among the states and passed the following motions.

**By a vote with one opposed, the Committee recommends and I so move, to direct staff to construct allocation alternatives that reflect spatial patterns in biomass and recreational trips with options for weighting the two.**

**By a vote with four opposed, the Committee recommends and I so move, to reconstruct the allocation tables and truncate the landing series through 2009.**

**By a vote with no opposition, the Committee recommends and I so move, that the allocation table include a formula that looks at the percentages, for the best ten years for each state, from the series 1986 through 2015 as the percentage of allocation.**

In Action 3, staff noted that an approved state management program would require the state to adopt a minimum size limit consistent with the federal minimum size limit. Therefore, staff asked if the Committee was interested in changing the federal minimum size limit.

**By a vote with no opposition, the Committee recommends and I so move, to remove Action 3- Modify the Federal Recreational Minimum Size Limit from the document.**

Due to time constraints, staff will review the individual state amendments during full Council.

## **Other Business**

### *Yellowtail snapper*

The Council recently received a letter from SAFMC Chair Michelle Duval discussing ongoing issues due to the ACL closure of the commercial yellowtail snapper closures in the south Atlantic. The letter asked for input on the development of a joint amendment to combine the jurisdictional ABCs and ACLs for yellowtail snapper. Doug Gregory explained that the letter arrived too late to include in the agenda for this meeting, but it would be on the agenda for the October Council meeting.

### *Extension of state waters to 9 nautical miles for reef fish management purposes*

Roy Crabtree noted that the extension of state management jurisdiction for reef fish to 9 nautical miles off Louisiana, Mississippi, and Alabama had originally been part of the 2016 budget act, and had then been extended. NMFS has concluded that this extension is permanent. This will affect several fishing boundaries that are now inside the new state jurisdictional including the stressed area and longline boundary. NMFS is working with General Counsel to determine whether they can modify the boundaries on their own authority, or whether Council action is needed.

### *Reconvene APs*

Committee members asked that several APs be reconvened, including the Private Recreational AP and the Ad Hoc Joint For-Hire AP. Staff noted that several AP meetings were under consideration, but currently only the Reef Fish AP was definitely planned. Staff and the Council Chair will evaluate budget and scheduling issues to determine if other APs can be scheduled.

Madam chair, this concludes my report.