

## Reef Fish Management Committee Report

January 30 – 31, 2017

Johnny Greene – Chair

### **Draft Framework Action – Mutton Snapper ACL and Management Measures and Gag Commercial Size Limit** (Tab B, No. 14)

Staff reviewed the background for the framework action, which examines changes to ACLs, size and bag limits for mutton snapper, and to the commercial size limit for gag. Staff confirmed that the current season for mutton is based on the ACL, not the ACT, meaning that the ACT is not currently used as a management target in the Gulf. Committee members determined that not all of the alternatives and options for changes to the mutton snapper bag limit were necessary, and voted to remove some of them to the considered but rejected appendix.

**Without opposition, the Committee recommends, and I so move,** in Action 2, to move Alternatives 2 and 3 and associated options to the Considered but Rejected Appendix.

**Without opposition, the Committee recommends, and I so move,** in Action 2, to move Options 4a and 4c in Alternative 4 to the Considered but Rejected Appendix.

With respect to changing the size limit for mutton snapper, Committee members asked how the State of Florida would handle transit issues, since the regulations between the State and federal waters now differ. Florida now has a minimum size limit of 18" TL for mutton snapper, whereas the federal size limit is 16" TL. A Committee member representing the State of Florida added as long as a vessel which landed mutton snapper in federal waters transits continuously through state waters, they would not be penalized for potentially undersized mutton snapper. Staff will bring a final action document for Council consideration in April 2017.

### **SEDAR Gag Update Assessment** (Tab B, No. 4)

SSC representative Dr. Joe Powers reviewed the gag update assessment. This assessment was an update to the 2013 SEDAR 33. The update assessment was a "continuity model", meaning it used the same model as in SEDAR 33 but with additional landings data for 2013-2015. When a retrospective analysis was performed to compare the "continuity" model to SEDAR 33, biomass estimates diverged in the most recent years, indicating uncertainty. Nevertheless, the results were sufficient to determine that overfishing was not occurring and the stock was not overfished. Sensitivity runs that included or excluded effects of the 2005 and 2014 red tide events produced large differences from the SEDAR 33 analysis which had concluded that the 2014 red tide event was not substantial. This further added to the uncertainty about the results. The SSC concluded that the "continuity" model was still the best available science but due to the uncertainty, only projected OFL and ABC yield streams for 3 years, 2017-2019.

ABC was calculated two ways; 1) using the tier 1 ABC control rule with a  $P^*$  set at a 30% probability of overfishing, and 2) with ABC set at the yield corresponding to 75% of  $F_{MAX}$ . The SSC felt uncertainties in the update assessment were not appropriately characterized by tier 1  $P^*$  approach. Therefore, the SSC chose to set ABC at 75% of  $F_{MAX}$ . Both OFL and ABC for the 2017 update assessment are less than the 2017 OFL and ABC from before the update, but are above the current gag ACL of 3.12 mp gw. Therefore, there is no requirement to reduce the ACL.

Committee members and staff noted that there is an MRIP calibration update of the landings scheduled for later this year, which may result in new ABC projections. Consequently, the Committee took no action on gag ACLs.

**Joint Ad Hoc Red Snapper Charter Vessel AP/Ad Hoc Reef Fish Headboat AP** (Tab B, No. 5a and 5b)

Staff reviewed the summary for the joint meeting of the Ad Hoc Reef Fish Headboat and Ad Hoc Red Snapper Charter Advisory Panels (**Tab B, No. 5a**). Council requested a copy of the presentation given by staff to the APs. Staff noted that the allocation decisions tools discussed during the joint AP meeting were included in the briefing book for reference. Ms. Susan Gerhart provided a brief overview of the cyclical redistribution mechanism, as introduced at the joint AP meeting. Staff reviewed the portion of the presentation given to the APs that pertained to cyclical redistribution. The Committee made the following motion:

**By vote of 9 to 5, the Committee recommends and I so move: To instruct staff to develop a white paper outlining the changes necessary to include red snapper, gag, gray triggerfish, greater amberjack and red grouper in the management program for Charter-for-Hire allocation-based management consistent with CFH AP recommendations and joint CFH/HB AP consensus.**

**This should explore:**

- A) Required changes to current amendment including Purpose & Need, Title, etc.**
- B) Method for determining CFH ACL for gray triggerfish, gag, red grouper, and greater amberjack**
- C) Develop mechanisms for trading different species to accommodate regional differences.**
- D) Scenarios illustrating how initial allocation of shares would change through cyclical redistribution (discussed at length during joint For-Hire AP meeting) based on reported landings methodology chosen.**

The Chair of the Headboat AP, Mr. Randy Boggs, requested that, upon completion of the white paper, the joint APs be able to review it before being reconvened. A committee member noted that if there is no opposition to Mr. Boggs' request, a motion would not be needed to reconvene a joint AP meeting. No opposition was expressed.

**Public Hearing Draft Amendment 44 – Minimum Stock Size Threshold for Reef Fish Stocks (Tab B, No. 6)**

Staff reviewed the alternatives in Amendment 44. The single action in the amendment would select a formula to use for defining MSST for reef fish stocks. A second action to revise MSY proxies had been previously removed from this amendment and would be addressed in a later amendment. A Committee member noted that reef fish had highly variable recruitment, and there was often uncertainty in the assessment results. For species with low natural mortality rates, MSST using the current method resulted in a threshold very close to the rebuilt level. Under the Magnuson-Stevens Act, overfishing must be ended immediately, which should prevent stocks from dropping below MSST. He felt that Alternative 3 struck a good balance between addressing uncertainty and preventing analysis from indicating an overfished status.

**Without opposition, the Committee recommends and I so move, in Action 1, to make Alternative 3 the Preferred Alternative.**

**Alternative 3:** For all reef fish stocks  $MSST = (1-M) * B_{MSY (or proxy)}$  Or  $0.75 * B_{MSY (or proxy)}$ , whichever provides a larger buffer between MSST and  $B_{MSY (or proxy)}$ .

A Committee member noted that some environmental groups had recommended that setting  $MSST = 0.85 * B_{MSY}$  be considered as an additional alternative.

**Without opposition, the Committee recommends and I so move, in Action 1, to add an Alternative to look at  $0.85 * B_{MSY (or proxy)}$**

Another Committee member asked that the SSC review the effect of  $= 0.85 * B_{MSY}$  vs.  $0.75 * B_{MSY}$ . Staff noted that due to the timing on the next SSC meeting and the addition time needed to add the new alternative and its analysis to the amendment, it would come back to the Council for final action at its June meeting rather than April. The Committee agreed that public testimony could be taken using a webinar hearing rather than in-person hearings.

**Public Hearing Draft Amendment 36A – Modifications to Commercial IFQ Programs (Tab B, No. 7)**

The Committee reviewed the selected preferred alternatives in Amendment 36A and made no changes. In Action 1, a question was raised regarding the penalty for failure to hail-in. According to NOAA's penalty schedule, a written warning and/or fine up to \$20,000 may result, depending on the level of culpability and the gravity offense level as determined by law enforcement. In Action 2.2, staff provided some modified language for Alternative 4. The Committee supported the changes and passed the following motion:

**Without opposition, the Committee recommends and I so move: In Action 2.2, to accept the IPT recommendations in Alternative 4.**

Staff noted that at the October 2016 meeting, the Council agreed that public hearings will consist of one webinar and a direct mail out to program participants. The Committee then passed the following motion:

**Without opposition, the Committee recommends and I so move, to send Amendment 36A out for Public Hearings.**

#### **Public Hearing Draft Amendment 46- Gray Triggerfish Rebuilding Plan (Tab B, No. 8)**

Staff reviewed public hearing Draft Amendment 46 – Gray Triggerfish Rebuilding Plan. The Council must prepare a plan to rebuild the stock as quickly as possible, but not to exceed 10 years. The rebuilding plan has to be implemented by November 2017. Staff reviewed the document action by action noting that preferred alternatives were selected for Actions 1 through 3. No modifications were made to those preferred alternatives during committee. Action 4 would modify the commercial trip limit and staff noted the committee has not selected a preferred alternative for this action yet. A Committee member noted that he wanted to wait to hear public testimony before selecting a preferred alternative for Action 4 and approving the document for public hearings.

#### **Options Paper for Amendment 47 – Modify Vermilion Snapper ACLs and MSY Proxy (Tab B, No. 13)**

Staff reviewed the actions and alternatives in the options paper for Amendment 47. The SSC had recommended the yield at  $F_{30\% SPR}$  as a proxy for MSY and had used that proxy in the assessment. As a result, Action 1 (MSY proxies) only contained two alternatives, status quo or the SSC recommended proxy. Committee members cautioned that there needed to be sufficient justification to have only 2 alternatives. Staff responded that the number and range of alternatives would be discussed at the next IPT meeting.

Action 2 contained alternatives for either a constant F (declining yield) ACL or a constant catch ACL based on the SSC's recommended ABCs for the years 2017 – 2020. A Committee member asked about a discussion on page 9 of the options paper in which, following the 2012 update assessment, members of the Reef Fish AP and members of the public felt that the vermilion snapper stock was not in as good a shape as the assessment indicated. A Committee member who was on the AP at the time discussed his on the water observations and concerns about the stock at the time. Staff stated that the options paper would be developed into a draft amendment for the next Council meeting.

#### **Gulf Anglers Focus Group Report (Tab B, No. 9a and 9b)**

Mr. Ken Haddad presented the results and recommendations from a series of facilitated meetings held by the Gulf Anglers Focus Group. The group had a total of 52 participants representing

private anglers, for-hire vessels, environmental groups, recreational industry, commercial fishermen, state regulators, and federal regulators. It met every other month during 2016. The results were a series of options, not recommendation, to consider for further analysis. The options along with their pros and cons were organized as:

- Status Quo
- Maximizing Fishing Days Within Current Framework
- Harvest Tags
- Depth/Distance-Based Management
- Reef Fish Season
- Harvest Rate/Recruitment-Based Management
- Hybrid of Various Options

The Committee asked several questions about harvest tags including how they would be distributed and return of unused tags. Harvest tags would need to be available to anyone from any state. Dr. Roy Crabtree clarified that a tag program could not discriminate against people from any states, but could be restricted to vessel owners or distributed based on past participation. Depth/distance based management also attracted interest, but there was concern about how barotrauma would affect the management results. It was suggested that a modeling approach be used to evaluate the option including the effects of barotrauma. Achieving a 40-day recreational season seemed to be an objective that would provide the greatest benefits to fishermen.

This material will be provided to the Ad Hoc Recreational Red Snapper AP. A Doodle poll has been sent out to the to the AP members to schedule a meeting, which could take place either before or after the next Council meeting.

A Committee member noted that the Gulf Angler Focus Group report contained several data and analysis requests, some of which may have already been done. She asked that the focus group's report be forwarded to the Regional Office and Science Center, and that a presentation be scheduled at the next Council meeting on what analysis has been done that is relevant to the focus group's proposals. Dr. Crabtree responded that the focus group's analysis requests could be reviewed to determine which requests are feasible to respond to and which are not.

### **Mechanism to Carry Over the Unharvested Red Snapper ACL to the Following Season** (Tab B, No. 10)

Dr. Joe Powers (SSC representative) reviewed the carry-over simulation presented to the SSC by the SEFSC. The presentation indicated that a carry-over could be conducted for red snapper without risking the progress of the rebuilding plan. Two important caveats were mentioned. First, the carry-over simulation only demonstrated the effects of carrying quota over once within the rebuilding timeline, and then never again; in reality, it is likely that multiple carry-over events are possible between now and the end of the red snapper rebuilding period in 2032. Second, the carry-over simulation is sector-specific, owing to differing selectivities and sizes of landed fish by the various fishing sectors and components. Also, the two-year delay

between the year from which the quota was to be carried over to the year receiving the carry-over was to ensure that finalized landings data were used in quota estimations.

Committee members indicated that they were interested in applying a carry-over method to any applicable species. Staff stated that the use of a buffer between the ACT and ACL would still be in place for red snapper. A Committee member suggested that if a carry-over is used for a certain species, that the Council may consider also instituting paybacks as an accountability measure for those eligible species as an additional protection against jeopardizing a rebuilding plan. A modification to the closed framework procedure was recommended to automate the updating of the ABCs by NMFS, which would save considerable time when implementing new catch levels. Revisions to the National Standard 1 Guidelines include implementation of carry-over plans, and recommend doing so through the Council's ABC Control Rule. The Committee was advised that the best course of action would be to fold the current carry-over framework action into the amendment which addresses revisions to the current ABC Control Rule, and to include a modification to the closed framework procedure to allow NMFS to automatically update the catch levels through the carry-over method. Any carry-over would only be valid for one fishing year and would only apply to those species who were closed because their ACL was met or projected to be met.

**Without opposition, the Committee recommends and I so move, to direct staff to add carryover provisions in the ABC Control Rule amendment and modify the framework procedure to allow for NMFS to update the appropriate quotas once landings data are available.**

By folding the carry-over method for all candidate species into the ABC Control Rule amendment, staff will no longer continue developing a separate framework amendment to consider a carry-over for red snapper.

#### **Preliminary 2016 Red Snapper For-Hire Landings Relative to ACL (Tab B, No. 11)**

Mr. Andy Strelcheck reviewed the preliminary recreational red snapper landings for 2016 by wave and sector component (federal for-hire and private vessel). He noted that the recreational landings were at 99% of the ACL for 2016, with the for-hire component at 87% of their ACT and the private component at 150% of their ACT. The estimates did not yet include wave 6 MRIP and headboat survey data, or Texas Parks and Wildlife data for their high use period. The preliminary MRIP data should be available by the middle of February, and the Texas data by March. In Response to a question on how payback provisions work for red snapper, Mr. Strelcheck responded that the payback adjustment is applied to the entire recreational ACL, but is only deducted from the component that exceeded its ACL the previous year. A Committee member noted that the territorial and federal water landings reported by MRIP and the SEFSC differed occasionally with the SEFSC numbers showing higher state water landings than MRIP. He asked for a presentation at the next Council meeting on how those numbers were adjusted.. Bonnie Ponwith explained that the SEFSC used a different method for converting numbers of fish to pounds that they felt was more accurate than the MRIP method. In discussions with

MRIP personnel, it appear that MRIP is moving toward using the SEFSC methodology. She said that she could give a presentation at the next Council meeting.

### **Presentation on Amendment 36B – Commercial Reef Fish IFQ Modifications (Tab B, No. 12)**

Staff reviewed the items the Council is interested in addressing in this amendment. Committee members requested information be included in the options paper to facilitate further consideration for the design and intent of the potential actions. With the assistance of Ms. Levy, the Committee also discussed the scope of actions that may be included in the amendment without triggering a referendum before amendment development begins. Staff will begin work on an options paper.

### **Standing and Reef Fish SSC Summary for Items Not Discussed Elsewhere on Agenda (Tab B, No. 15)**

Dr. Powers summarized reef fish items reviewed by SSC that were not discussed elsewhere in the Reef Fish agenda. He briefly described the approach used in the SEDAR 49 data-limited stocks assessment. This is a set of methods that can be applied where there are very limited data, e.g. just catches, or maybe some catch-per-unit effort index, or maybe just an average size. The methods available are applied to simulated populations to see how they respond and which methods are feasible for use (Management Strategy Evaluation). Those methods that were determined to be reasonable useful with the simulated data will be used with the actual catch data, and the results will be presented at the March SSC meeting. To use these methods on a regular basis, the SSC needs to provide some structure on how to proceed with items such as what reference years to use. This might mean creating a separate working group. Dr. Powers cautioned that these data-poor methods are more of a research project than an established assessment, and noted that there is no substitute for good data.

Another item discussed by the SSC was a discussion of economic and social implications of ABCs and ACLs. For example, setting  $P^*$  i.e, an acceptable level of risk should depend on the “costs” of protecting the stock, the benefits that are derived. Also, National Standard 8 calls for incorporating quantitatively community factors about fleet sizes and distributions; shifting to other activities, etc. The SSC will evaluate whether these types of considerations can be integrated into control rules.

### **Other Business**

#### *Discussion of 2017 Recreational Fishing Season for Greater Amberjack*

Dr. Crabtree stated that he could not yet provide an estimate on the recreational season length for greater amberjack in 2017. Last year there was an overrun of approximately 750,000 pounds.

Greater amberjack has a payback provision. However, a greater amberjack update assessment is scheduled to be reviewed by the SSC at their next meeting in March. Depending upon the ABC projections, a reopening of the season after the scheduled June-July closure might be possible if a framework action to adjust the ACL can be implemented in time. Staff noted that the SSC meeting is the week before the Council meeting, and it may not be possible to put a complete framework action together in such a short period of time. However, staff could look into putting together a skeleton document.

Madam Chair, this concludes my report.