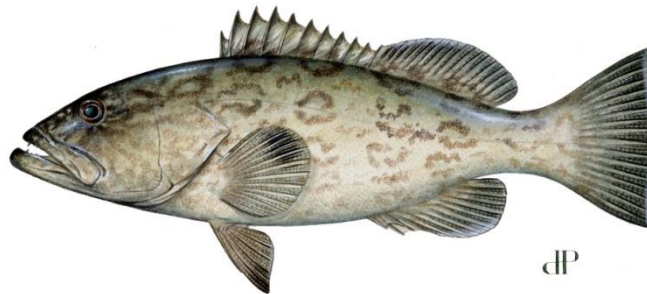


**Options Paper
Gag Grouper
Annual Catch Limits, Annual Catch Targets,
and Recreational Season Adjustments**



GAG

Mycteroperca microlepis

**Options Paper for a Framework Action to the Fishery Management
Plan for
the Reef Fish Resources of the Gulf of Mexico**

March 2015



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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AM	accountability measure
COI	U.S. Coast Guard certificate of inspection
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
FMP	fishery management plan
FWCC	Florida Fish and Wildlife Conservation Commission
GMFMC	Gulf of Mexico Fishery Management Council
gw	gutted weight
IFQ	individual fishing quota
IRFA	initial regulatory flexibility analysis
MFMT	maximum fishing mortality threshold
mp	million pounds
MSST	minimum stock size threshold
NMFS	National Marine Fisheries Service
OY	optimum yield
RA	regional administrator
RFA	regulatory flexibility analysis
RIR	regulatory impact review
SEDAR	Southeast Data, Assessment, and Review process
SSBR	spawning stock biomass per recruit
SSC	Scientific and Statistical Committee
SPR	spawning potential ratio
TAC	total allowable catch
TL	total length
VMS	vessel monitoring system
ww	whole weight

TABLE OF CONTENTS

ABBREVIATIONS USED IN THIS DOCUMENT	iii
List of Tables	v
Chapter 1. Introduction	1
1.1 Background	1
1.2 Purpose and Need	2
1.3 History of Management	2
Chapter 2. Management Alternatives	16
2.1 Action 1 - Modifications to the Gag Grouper Annual Catch Limits and Annual Catch Targets	16
2.2 Action 2 – Modifications to the Recreational Gag Grouper Fishing Season	18
References	21

LIST OF TABLES

Table 1.3.1 Gag History of Management Measures.....	1
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CHAPTER 1. INTRODUCTION

1.1 Background

The 2006 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established new requirements to end and prevent overfishing through the use of annual catch limits (ACLs) and accountability measures (AMs). In 2009 a gag update assessment (SEDAR 10 Update 2009) indicated the gag stock size had declined since 2005. A large part of the decline was attributed to an episodic mortality event in 2005 (most likely associated with red tide) that resulted in an additional 18% of the gag stock being killed in addition to the normal natural and fishing mortalities. The update assessment indicated the Gulf gag stock was both overfished and undergoing overfishing, and the Gulf of Mexico Fishery Management Council (Council) was informed of this status determination in August 2009. In response, an interim rule was implemented on January 1, 2009 to reduce overfishing of gag, followed by permanent rules under Amendment 30B (GMFMC 2008). Amendment 32 (GMFMC 2011a) subsequently established a formal rebuilding plan for gag not to exceed 10 years.

A benchmark assessment for gag completed in 2014 (SEDAR 33 2014) indicated that the gag stock was no longer overfished or undergoing overfishing, and had rebuilt to above its maximum sustainable yield level. However, in 2014 a major red tide event occurred off of the Florida west coast in the region of greatest gag abundance. Due to uncertainty about the impact of this red tide event on the gag stock, the Scientific and Statistical Committee (SSC) recommended a conservative acceptable biological catch (ABC) that assumed the 2014 red tide event would have the same impact on the gag stock as the 2005 event. The Council requested that the SSC reevaluate its ABC recommendation, and in January 2015 the SSC received an analysis of the red tide event from the Florida Fish and Wildlife Research Institute which indicated that the impact of the 2014 red tide event was only 4% to 7% of the 2005 event. With this new information, the SSC revised its recommendation and recommended ABCs based on a projection scenario that assumed no significant impact from the 2014 red tide event.

Gulf of Mexico Fishery Management Council

- Responsible for conservation and management of fish stocks.
- Consists of 11 voting members who are appointed by the Secretary of Commerce, 1 voting member representing each of the five Gulf states, and the Regional Administrator for the National Marine Fisheries Service Southeast Region.
- Responsible for developing fishery management plans and recommending regulations to the National Marine Fisheries Service for implementation.

National Marine Fisheries Service

- Responsible for preventing overfishing while achieving optimum yield.
- Approves, disapproves, or partially approves Council recommendations.
- Implements regulations.

1.2 Purpose and Need

The purpose of this amendment is to modify the gag grouper annual catch limit (ACL) and annual catch target (ACT), based on the 2014 SEDAR 33 benchmark stock assessment, and to modify the recreational fishing season to provide enough fishing days for the recreational ACT in the Gulf of Mexico to be harvested. The need is to allow each sector to harvest gag at a level consistent with achieving optimum yield while preventing overfishing, and to address social and economic impacts of keeping the recreational gag grouper fishing season open to achieve optimum yield.

1.3 History of Management

The following summary describes management actions that affect the reef fish fishery in the Gulf. A matrix of gag management measures is presented in Table 1.3.1. A more detailed history of management follows.

Table 1.3.1 Gag History of Management Measures

Date	Size Limit	Recreational Bag Limit	Recreational Closed Season	Commercial Trip Limit	Commercial Closed Season	Commercial Quota	Recreational ACL	Other
1990	20" TL	5 grouper aggregate bag limit				9.2 mp ww swg quota		Longline boundary established
1991	"	"				9.9 mp ww swg quota		
1992	"	"				9.8 mp ww swg quota		
2000	24" TL commercial 22" TL recreational	"			Feb. 15 through Mar 14	"		Steamboat Lumps and Madison/Swanson time/area closures established
2000	24" TL commercial 22" TL recreational	"			"	"		
2005	"	"		Stepped trip limit: 10,000 lb SWG until 50% of quota reached 7,500 lb SWG until 75% of quota reached 5,500 SWG trip limit	"	"		
2006	"	"		6,000 lb SWG trip limit	"	"		Zero bag limit for captain and crew of for-hire vessels
2007	"	"	Feb 15 through Mar 14		"	"		Fish traps prohibited in Gulf EEZ
2008	"	"	"		"	"		Use of circle hooks, venting tools, and dehooking devices required.

2009	"	2 gag limit within 4 grouper aggregate	Feb 1 through Mar 31		"	1.32 mp gw gag	2.06 mp gw	Edges time/area closure established. Federally permitted vessels must adhere to the more restrictive of state/federal regulations when in state waters.
2010	"	"	"	Grouper/Tilefish IFQ system implemented	closed season discontinued	1.41 mp gw gag	2.14 mp gw	
2011	"	"	Jan 1 through Sep 15 Nov 16 through Dec 31			0.43 mp gw gag	2.20 mp gw	
2012	22" TL commercial 22" TL recreational	"	Jan 1 through Jun 30 Nov 1 through Dec 31			0.567 mp gw gag	1.031 mp gw	Gag rebuilding plan established.
2013	"	"	Jan 1 through Jun 30 Dec 3 through Dec 31			0.708 mp gw gag	1.287 mp gw	
2014	"	"	"			0.835 mp gw gag	1.519 mp gw	
2015 (if no ACTION)	"	"	"			0.939 mp gw gag	1.708 mp gw	

The Reef Fish Fishery Management Plan and environmental impact statement (EIS) were implemented in November 1984. The regulations, designed to rebuild declining reef fish stocks, included prohibitions on the use of fish traps, roller trawls, and powerhead-equipped spear guns within an inshore stressed area and directed the National Marine Fisheries Service (NMFS) to develop data reporting requirements in the reef fish fishery.

In July 1985, the Florida Marine Fisheries Commission (now Florida Fish and Wildlife Conservation Commission - FWCC) established a Florida state regulation to set a minimum size limit of 18 inches total length for red grouper, gag, yellowfin grouper, Nassau grouper, and jewfish (goliath grouper). In December 1986, the FWCC set a state recreational bag limit of five grouper per person per day, with an off-the-water possession limit of 10 per person, for any combination of groupers excluding rock hind and red hind.

Amendments

Amendment 1 (EA/RIR/IRFA), implemented in 1990, set objectives to stabilize long-term population levels of all reef fish species by establishing a survival rate of biomass into the stock of spawning age fish to achieve at least 20% spawning stock biomass per recruit (SSBR) by January 1, 2000. Among the grouper management measures implemented were:

- Set a 20-inch total length minimum size limit on red grouper, Nassau grouper, yellowfin grouper, black grouper, and gag;
- Set a 50-inch total length (TL) minimum size limit on goliath grouper (jewfish);
- Set a five-grouper recreational daily bag limit;
- Set an 11.0 million pound (mp) whole weight (ww) commercial quota for grouper, with the commercial quota divided into a 9.2 mp ww shallow-water grouper quota and a 1.8 mp ww deep-water grouper quota. Shallow-water grouper were defined as black grouper, gag, red grouper, Nassau grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, speckled hind, and scamp. Scamp would be applied to the deep-water grouper quota once the shallow-water grouper quota was filled. Deep-water grouper were defined as misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, and scamp once the shallow-water grouper quota was filled. Goliath grouper were not included in the quotas;
- Allowed a two-day possession limit for charter vessels and headboats on trips that extend beyond 24 hours, provided the vessel has two licensed operators aboard as required by the U.S. Coast Guard, and each passenger can provide a receipt to verify the length of the trip. All other fishermen fishing under a bag limit were limited to a single day possession limit;
- Established a framework procedure for specification of total allowable catch (TAC) to allow for annual management changes;
- Established a longline and buoy gear boundary at approximately the 50-fathom depth contour west of Cape San Blas, Florida, and the 20-fathom depth contour east of Cape San Blas, inshore of which the directed harvest of reef fish with longlines and buoy gear was prohibited, and the retention of reef fish captured incidentally in other longline operations (e.g., sharks) was limited to the recreational daily bag limit. Subsequent

changes to the longline/buoy boundary could be made through the framework procedure for specification of TAC;

- Limited trawl vessels (other than vessels operating in the unsorted groundfish fishery) to the recreational size and daily bag limits of reef fish;
- Established fish trap permits, allowing up to a maximum of 100 fish traps per permit holder;
- Prohibited the use of entangling nets for directed harvest of reef fish. Retention of reef fish caught in entangling nets for other fisheries was limited to the recreational daily bag limit;
- Established the fishing year to be January 1 through December 31;
- Extended the stressed area to the entire Gulf coast; and
- Established a commercial reef fish vessel permit.

Amendment 2 (EA/RIR/IRFA), implemented in 1990, prohibited the harvest of goliath grouper to provide complete protection for this species in federal waters in response to indications that the population abundance throughout its range was greatly depressed. The harvest prohibition was initially implemented by emergency rule.

Amendment 3 (EA/RIR/IRFA), implemented in July 1991, provided additional flexibility in the annual framework procedure for specifying TAC by allowing the target date for rebuilding an overfished stock to be changed. It revised the fishery management plan's (FMPs) primary objective from a 20% SSBR target to a 20% spawning potential ratio (SPR). The amendment also transferred speckled hind from the shallow-water grouper quota category to the deep-water grouper quota category.

Amendment 4 (EA/RIR/IRFA), implemented in May 1992, established a moratorium on the issuance of new commercial reef fish permits for a maximum period of three years. Amendment 4 also changed the time of year TAC is specified from April to August and included additional species in the reef fish management unit.

Amendment 5 (SEIS/RIR/IRFA), implemented in February 1994, established a fish trap endorsement for vessel permits of permittees who had logbook landings of reef fish from fish traps in 1991 or 1992 through November 19, 1992, and established a three-year moratorium during which those endorsements would be non-transferable. The amendment also required that traps must be returned to shore at the end of each fishing trip; that each trap must be individually buoyed, or if fished in a trawl (several traps connected by a submerged line) a floating buoy is required at each end of the trawl; and prohibited the possession of magnesium pop-up devices. The amendment also created a special management zone with gear restrictions off the Alabama coast, created a framework procedure for establishing future special management zones, required that all finfish except for oceanic migratory species be landed with head and fins attached, and closed the region of Riley's Hump (near Dry Tortugas, Florida) to all fishing during May and June to protect mutton snapper spawning aggregations.

Amendment 6 (EA/RIR/IRFA), implemented in June 1993, extended the provisions of an emergency rule for red snapper endorsements for the remainder of 1993 and 1994, and allowed

the red snapper trip limits for qualifying and non-qualifying permitted vessels to be changed under the framework procedure for specification of TAC.

Amendment 7 (EA/RIR/IRFA), implemented in February 1994, established reef fish dealer permitting and record keeping requirements, allowed transfer of fish trap permits and endorsements between immediate family members during the fish trap permit moratorium, and allowed transfer of other reef fish permits or endorsements in the event of the death or disability of the person who was the qualifier for the permit or endorsement. A proposed provision of this amendment that would have required permitted vessels to sell harvested reef fish only to permitted dealers was disapproved by the Secretary of Commerce and was not implemented.

Amendment 8 (EA/RIR/IRFA), proposed to be implemented in 1996, would have established an individual transferable quota system in the commercial red snapper fishery. A final rule was published in November 1995 to implement the system effective April 1, 1996, but the individual transferable quota system was not implemented. The Sustainable Fisheries Act of 1996 repealed the system and placed a moratorium on any new individual fishing quota program until after October 1, 2000.

Amendment 9 (EA/RIR/IRFA), implemented in July 1994, provided for collection of red snapper landings and eligibility data from commercial fishermen for the years 1990 through 1992 to qualify for shares under the individual transferable quota system in **Amendment 8**. This amendment also extended the reef fish permit moratorium and red snapper endorsement system through December 31, 1995, in order to continue the existing interim management regime until longer term measures could be implemented.

Rejected Amendment 10 was developed in 1994 but was not submitted to NMFS. **Amendment 5** had established a deadline to qualify for fish trap endorsements of November 19, 1992, but the final rule implementing the endorsements and three-year moratorium did not take effect until February 7, 1994. In the interim, NMFS continued to process applications for fish trap permits, and neither NMFS nor the Council provided public notification of the impending moratorium. On February 7, 1994, 421 vessels that had been issued fish trap tags on or before February 7 became ineligible to continue in the fish trap fishery, of which 54 of those vessels had fish trap landings between November 19, 1992 and February 7, 1994. Amendment 10 was drafted to consider changing the endorsement eligibility requirement to allow those vessels with trap landings through February 7, 1994 to qualify. However, in July 1994 the Council voted to reject the amendment.

Amendment 11 (EA/RIR/IRFA) was partially approved by NMFS and implemented in January 1996. The six approved provisions were: (1) limit sale of Gulf reef fish by permitted vessels to permitted reef fish dealers; (2) require that permitted reef fish dealers purchase reef fish caught in Gulf federal waters only from permitted vessels; (3) allow transfer of reef fish permits and fish trap endorsements in the event of death or disability; (4) implement a new reef fish permit moratorium for no more than five years or until December 31, 2000, while the Council considers limited access for the reef fish fishery; (5) allow permit transfers to other persons with vessels by vessel owners (not operators) who qualified for their reef fish permit; and, (6) allow a one-time transfer of existing fish trap endorsements to permitted reef fish vessels whose owners have

landed reef fish from fish traps in federal waters, as reported on logbooks received by the Science and Research Director of NMFS from November 20, 1992 through February 6, 1994. NMFS disapproved a proposal to redefine optimum yield from 20% SPR (the same level as overfishing) to an SPR corresponding to a fishing mortality rate of $F_{0.1}$ until an alternative operational definition that optimizes ecological, economic, and social benefits to the Nation could be developed. In April 1997, the Council resubmitted the optimum yield definition with a new proposal to redefine optimum yield as 30% SPR. The resubmission document was disapproved by NMFS.

Amendment 12 (EA/RIR/IRFA), implemented in January 1997, reduced the bag limit for greater amberjack to 1 fish and established a 20-fish aggregate bag limit for reef fish species for which there is no other bag limit.

Amendment 13 (EA/RIR/IRFA), implemented in September 1996, further extended the red snapper endorsement system through the remainder of 1996 and, if necessary, through 1997, in order to give the Council time to develop a permanent limited access system that was in compliance with the new provisions of the Magnuson-Stevens Act.

Amendment 14 (EA/RIR/IRFA), implemented in March and April 1997, provided for a ten-year phase-out for the fish trap fishery; allowed transfer of fish trap endorsements for the first two years and thereafter only upon death or disability of the endorsement holder, to another vessel owned by the same entity, or to any of the 56 individuals who were fishing traps after November 19, 1992 and were excluded by the moratorium; and prohibited the use of fish traps west of Cape San Blas, Florida. The amendment also provided the Regional Administrator (RA) of NMFS with authority to reopen a fishery prematurely closed before the allocation was reached, and modified the provisions for transfer of commercial reef fish vessel permits. In addition, the amendment prohibited the harvest or possession of Nassau grouper in the Gulf Exclusive Economic Zone (EEZ), consistent with similar prohibitions in Florida state waters, the south Atlantic EEZ, and the Caribbean EEZ.

Amendment 15 (EA/RIR/IRFA), implemented in January 1998, prohibited harvest of reef fish from traps other than permitted reef fish traps, stone crab traps, or spiny lobster traps, and closed the commercial greater amberjack fishery Gulf-wide during the months of March, April, and May.

Amendment 16A (EA/RIR/IRFA), submitted to NMFS in June 1998, was partially approved and implemented on January 10, 2000. The approved measures provided: (1) the possession of reef fish exhibiting the condition of trap rash on board any vessel with a reef fish permit that is fishing spiny lobster or stone crab traps is prima facie evidence of illegal trap use and is prohibited except for vessels possessing a valid fish trap endorsement; (2) NMFS establish a system design, implementation schedule, and protocol to require implementation of a vessel monitoring system (VMS) for vessels engaged in the fish trap fishery, with the cost of the vessel equipment, installation, and maintenance to be paid or arranged by the owners as appropriate; and, (3) fish trap vessels submit trip initiation and trip termination reports. Prior to implementing this additional reporting requirement, there will be a one-month fish trap

inspection/compliance/education period, at a time determined by the RA and published in the *Federal Register*. During this window of opportunity, fish trap fishermen will be required to have an appointment with NMFS law enforcement for the purpose of having their trap gear, permits, and vessels available for inspection. The disapproved measure was a proposal to prohibit fish traps south of 25.05 degrees north latitude beginning February 7, 2001. The status quo 10-year phase-out of fish traps in areas in the Gulf EEZ was therefore maintained.

Amendment 16B (EA/RIR/IRFA), implemented in November 1999 set a recreational daily bag limit of one speckled hind and one warsaw grouper per vessel, with the prohibition on the sale of these species when caught under the bag limit.

Generic Sustainable Fisheries Act Amendment (EA/RIR/IRFA), partially approved and implemented in November 1999, set the Maximum Fishing Mortality Threshold (MFMT) for most reef fish stocks at $F_{30\% SPR}$. Estimates of maximum sustainable yield, Minimum Stock Size Threshold (MSST), and optimum yield were disapproved because they were based on SPR proxies rather than biomass based estimates.

Amendment 17 (EA/RIR/IRFA), was submitted to NMFS in September 1999, and was implemented on August 10, 2000. This amendment extended the commercial reef fish permit moratorium for another five years, from its previous expiration date of December 31, 2000 to December 31, 2005, unless replaced sooner by a comprehensive controlled access system. The purpose of the moratorium is to provide a stable environment in the fishery necessary for evaluation and development of a more comprehensive controlled access system for the entire commercial reef fish fishery.

Amendment 18A (EA/RIR/IRFA) was implemented on September 8, 2006, except for VMS requirements which were implemented May 6, 2007. Amendment 18A addresses the following: (1) prohibits vessels from retaining reef fish caught under recreational bag/possession limits when commercial quantities of Gulf reef fish are aboard, (2) adjusts the maximum crew size on charter vessels that also have a commercial reef fish permit and a United States Coast Guard certificate of inspection (COI) to allow the minimum crew size specified by the COI when the vessel is fishing commercially for more than 12 hours, (3) prohibits the use of reef fish for bait except for sand perch or dwarf sand perch, (4) requires devices and protocols for the safe release in incidentally caught endangered sea turtle species and smalltooth sawfish, (5) updates the TAC procedure to incorporate the Southeast Data Assessment and Review (SEDAR) assessment methodology, (6) changes the permit application process to an annual procedure and simplifies income qualification documentation requirements, and (7) requires electronic VMS aboard vessels with federal reef fish permits, including vessels with both commercial and charter vessel permits.

Amendment 19 (FSEIS/RIR/IRFA), also known as the Generic Amendment Addressing the Establishment of the Tortugas Marine Reserves, or Generic Essential Fish Habitat (EFH) Amendment 2, was implemented on August 19, 2002. This amendment establishes two marine reserves off the Dry Tortugas where fishing for any species and anchoring by fishing vessels is prohibited.

Amendment 20 (EA/RIR/IRFA), implemented July 2003, established a three-year moratorium on the issuance of charter and headboat vessel permits in the recreational for-hire reef fish and coastal migratory pelagic fisheries in the Gulf EEZ.

Amendment 21 (EA/RIR/IRFA), implemented in July 2003, continued the Steamboat Lumps and Madison-Swanson reserves for an additional six years, until June 2010. In combination with the initial four-year period (June 2000-June 2004), this allowed a total of ten years in which to evaluate the effects of these reserves and to provide protection to a portion of the gag spawning aggregations.

Amendment 22 (SEIS/RIR/IRFA), implemented July 5, 2005, specified bycatch reporting methodologies for the reef fish fishery.

Amendment 23 (SEIS/RIR/IRFA), implemented July 8, 2005, established a rebuilding plan for vermilion snapper, including an 11 inch total length minimum size limit, a 10-fish vermilion snapper bag limit within the 20-reef fish aggregate bag limit, and an April 22 through May 31 closed season for the commercial fishery.

Amendment 24 (EA/RIR/IRFA), implemented on August 17, 2005, replaced the commercial reef fish permit moratorium that was set to expire on December 31, 2005 with a permanent limited access system.

Amendment 25 (SEIS/RIR/IRFA), implemented on June 15, 2006, replaced the reef fish for-hire permit moratorium that expired in June 2006 with a permanent limited access system.

Amendment 26 (SEIS/RIR/IRFA), implemented on January 1, 2007, established an individual fishing quota (IFQ) system for the commercial red snapper fishery.

Amendment 27 (SEIS/RIR/IRFA), implemented February 28, 2008, except for reef fish bycatch reduction measures that became effective on June 1, 2008. This amendment addressed overfishing and stock rebuilding for red snapper. It also required the use of non-stainless steel circle hooks when using natural baits to fish for Gulf reef fish effective June 1, 2008, and required the use of venting tools and dehooking devices when participating in the commercial or recreational reef fish fisheries effective June 1, 2008.

Amendment 28 is currently under development. It is intended to address grouper allocation issues.

Amendment 29 (EA/RIR/IRFA), implemented January 1, 2010, established an IFQ system for the commercial grouper and tilefish fisheries.

Amendment 30A (SEIS/RIR/IRFA), implemented August 2008, was developed to stop overfishing of gray triggerfish and greater amberjack. The amendment established ACLs and accountability measures (AMs) for greater amberjack and gray triggerfish. For greater amberjack, it modified the rebuilding plan, increased the recreational minimum size limit, set a zero bag limit for captain and crew of for-hire vessels, and set commercial and recreational

quotas. For gray triggerfish, it increased the commercial and recreational minimum size limit and set a commercial quota.

Amendment 30B (FEIS/RIR/IRFA), implemented May 2009, proposed to end overfishing of gag, revise red grouper management measures as a result of changes in the stock condition, establish ACLs and AMs for gag and red grouper, manage shallow-water grouper to achieve optimum yield, and improve the effectiveness of federal management measures. The amendment (1) defined the gag minimum stock size threshold and optimum yield; (2) set interim allocations of gag and red grouper between recreational and commercial fisheries; (3) made adjustments to the gag and red grouper TACs to reflect the current status of these stocks; (4) established ACLs and AMs for the commercial and recreational red grouper fisheries, commercial and recreational gag fisheries, and commercial aggregate shallow-water grouper fishery; (5) adjusted recreational grouper bag limits and seasons; (6) adjusted commercial grouper quotas; (7) reduced the red grouper commercial minimum size limit; (8) replaced the one month commercial grouper closed season with a four month seasonal area closure at the Edges, a 390 square nautical mile area in the dominant gag spawning grounds; (9) eliminated the end date for the Madison-Swanson and Steamboat Lumps marine reserves; and (10) required that vessels with federal commercial or charter reef fish permits comply with the more restrictive of state or federal reef fish regulations when fishing in state waters.

Amendment 31 (FEIS/RIR/IRFA), implemented May 26, 2010, established additional restrictions on the use of bottom longline gear in the eastern Gulf of Mexico in order to reduce bycatch of endangered sea turtles, particularly loggerhead sea turtles. The amendment (1) prohibited the use of bottom longline gear shoreward of a line approximating the 35-fathom contour from June through August; (2) reduced the number of longline vessels operating in the fishery through an endorsement provided only to vessel permits with a demonstrated history of landings, on average, of at least 40,000 pounds of reef fish annually with fish traps or longline gear during 1999-2007; and (3) restricted the total number of hooks that may be possessed onboard each reef fish bottom longline vessel to 1,000, only 750 of which may be rigged for fishing. The boundary line was initially moved from 20 to 50 fathoms by emergency rule effective May 18, 2009. That rule was replaced on October 16, 2009 by a rule under the Endangered Species Act moving the boundary to 35 fathoms and implementing the maximum hook provisions.

Amendment 32 (EIS/RIR/RFA), implemented May 26, 2010, established a rebuilding plan for gag that would rebuild the stock in 10 years or less. ACL and ACT for gag and red grouper were set through 2015 based on the procedure used in Amendment 30B. The stock-ACL was set at the yield corresponding to the annual estimate of maximum sustainable yield, and the stock-ACT was set at the yield corresponding to optimum yield. The stock ACL and ACT were then allocated to the recreational and commercial sectors respectively using the allocations adopted in Amendment 30B. The commercial gag ACT was reduced by an additional 14% to account for dead discards as a result of insufficient gag IFQ shares that had not been accounted for in the assessment. This adjusted ACT became the commercial gag quota. In addition, the amendment revised the use of multi-use IFQ shares and reduced the commercial gag minimum size limit to 22 inches total length. The amendment set the recreational gag season as July 1 through October 31, with a 22 inch total length minimum size limit and a 2-fish gag limit within the 4-fish

aggregate grouper bag limit. The amendment also implemented overage adjustments for the gag recreational sector while the stock was under a rebuilding plan.

Proposed **Amendment 33** considered the establishment of an IFQ program for additional reef fish species. A scoping document was prepared, but at the April 2012 Council meeting the Council voted to cease working on the document and requested that supporters of the proposed IFQ program contact the council to provide a rationale for why the program should go forward.

Amendment 34 (EA/RIR/RFA) to the Reef Fish Fishery Management Plan was approved by the Gulf of Mexico Fishery Management Council in February 2012, and implemented November 19, 2012. The amendment addresses crew size limits for dually permitted vessels. Dually permitted vessels are vessels with both a charter for-hire permit and a commercial reef fish permit. The amendment eliminates the earned income qualification requirement for the renewal of commercial reef fish permits and increases the maximum crew size from three to four.

Amendment 35 (EA/RIR/RFA) was implemented December 13, 2012. A 2009 greater amberjack stock assessment update showed that the stock remained overfished and continued to experience overfishing. This amendment set the ACL at 1,780,000 pounds ww and established an ACT of 1,539,000 pounds ww. The amendment also established a 2,000-pound commercial trip limit.

Proposed **Amendment 36**, currently under development, proposes modifications to the red snapper IFQ program.

Amendment 37 (EA/RIR/RFA) was implemented May 9, 2013 for the setting of gray triggerfish ACL and ACT, and June 10, 2013 for other gray triggerfish management measures. It modified the gray triggerfish rebuilding plan based on a 2011 gray triggerfish update assessment, which determined that the stock was not rebuilding on target. This amendment reduced the commercial and recreational annual catch limits to 64,100 and 241,200 pounds ww respectively, and reduced the commercial and recreational annual catch targets to 60,900 and 217,100 pounds ww respectively. To meet the necessary reductions, a fixed closed season from June 1 through July 31 was established for the commercial and recreational sectors. In addition, this amendment established a commercial trip limit of 12 gray triggerfish, and a recreational bag limit of 2 gray triggerfish per angler bag limit within the 20 reef fish aggregate. The recreational accountability measures were modified by establishing an in-season closure authority based on the recreational annual catch target, and an overage adjustment to reduce the gray triggerfish annual catch limit and annual catch target by the amount of the overage. This overage adjustment applies only while gray triggerfish is overfished.

Amendment 38 (EA/RIR/RFA) was implemented March 1, 2013. It revised the post-season recreational accountability measure that reduces the length of the recreational season for all shallow-water grouper in the year following a year in which the ACL for gag or red grouper is exceeded. The modified accountability measure reduces the recreational season of only the species for which the ACL was exceeded. Additionally, the reef fish framework procedure was modified to include the addition of accountability measures to the list of items that can be changed through the standard framework procedure. This allows for faster implementation of

measures designed to maintain harvest at or below the ACL. General language was added to the framework to accommodate future changes in naming of the Council's advisory committees and panels.

Proposed **Amendment 39**, currently under development, proposes the establishment of a regional management program for recreational harvest of red snapper.

Amendment 40 (EIS/RIR/RFA) was submitted to NMFS on December 19, 2014 and is currently under review. It proposes to separate the recreational red snapper sector into private angling and federal for-hire components. Each component would have an allocation of the recreational red snapper quota. Under the preferred alternative, the private angling component would receive 57.7% of the recreational quota, and the federal for-hire component would receive 42.3% of the quota. The provisions of this amendment would sunset three years after implementation.

Regulatory Amendments, Emergency and Interim Rules

A July 1991 regulatory amendment, implemented November 12, 1991, provided a one-time increase in the 1991 quota for shallow-water grouper from 9.2 mp to 9.9 mp to provide the commercial fishery an opportunity to harvest 0.7 mp that was not harvested in 1990 [56 FR 58188].

A November 1991 regulatory amendment, implemented June 22, 1992, raised the 1992 commercial quota for shallow-water grouper to 9.8 mp after a red grouper stock assessment indicated that the red grouper SPR was substantially above the Council's minimum target of 20% [57 FR 21751].

An August 1999 regulatory amendment, implemented June 19, 2000, increased the commercial size limit for gag and black grouper from 20 to 24 inches TL, increased the recreational size limit for gag from 20 to 22 inches TL, prohibited commercial sale of gag, black, and red grouper each year from February 15 to March 15 (during the peak of gag spawning season), and established two marine reserves (Steamboat Lumps and Madison-Swanson) that are closed year-round to fishing for all species under the Council's jurisdiction [65 FR 31827].

An emergency rule, published February 15, 2005, established a series of trip limits for the commercial grouper fishery in order to extend the commercial fishing season. The trip limit was initially set at 10,000 pounds gutted-weight (gw). If on or before August 1 the fishery is estimated to have landed more than 50% of either the shallow-water grouper or the red grouper quota, then a 7,500 pound gw trip limit takes effect; and if on or before October 1 the fishery is estimated to have landed more than 75% of either the shallow-water grouper or the red grouper quota, then a 5,500 pound gw trip limit takes effect [70 FR 8037].

An interim rule, published July 25, 2005, proposed for the period August 9, 2005 through January 23, 2006, a temporary reduction in the recreational red grouper bag limit from two to one fish per person per day, in the aggregate grouper bag limit from five to three grouper per day, and a closure of the recreational fishery, from November – December 2005, for all grouper

species [70 FR 42510]. These measures were proposed in response to an overharvest of the recreational allocation of red grouper under the Secretarial Amendment 1 red grouper rebuilding plan. The closed season was applied to all grouper in order to prevent effort shifting from red grouper to other grouper species and an increased bycatch mortality of incidentally caught red grouper. However, the rule was challenged by organizations representing recreational fishing interests. On October 31, 2005, a U.S. District Court judge ruled that an interim rule to end overfishing can only be applied to the species that is undergoing overfishing. Consequently, the reduction in the aggregate grouper bag limit and the application of the closed season to all grouper were overturned. The reduction in the red grouper bag limit to one per person and the November-December 2005 recreational closed season on red grouper only were allowed to proceed. The approved measures were subsequently extended through July 22, 2006 by a temporary rule extension published January 19, 2006 [71 FR 3018].

An October 2005 regulatory amendment, implemented January 1, 2006, established a 6,000 pound gw aggregate deep-water grouper and shallow-water grouper trip limit for the commercial grouper fishery, replacing the 10,000/7,500/5,500 step-down trip limit that had been implemented by emergency rule for 2005 [70 FR 77057].

A March 2006 regulatory amendment (GMFMC 2005a), implemented July 15, 2006, established a recreational red grouper bag limit of one fish per person per day as part of the five grouper per person aggregate bag limit, and prohibited for-hire vessel captains and crews from retaining bag limits of any grouper while under charter [71 FR 34534]. An additional provision established a recreational closed season for red grouper, gag and black grouper from February 15 to March 15 each year (matching a previously established commercial closed season) beginning with the 2007 season.

An interim rule was implemented on January 1, 2009, at the request of the Council to reduce overfishing of gag pending implementation of permanent rules under Amendment 30B. Measures in the temporary rule: (1) established a two-fish gag recreational bag limit (recreational grouper aggregate bag limit remained at five fish); (2) adjusted the recreational closed season for gag to February 1 through March 31 (the recreational closed season for red and black groupers remained February 15 to March 15); (3) established a 1.32 mp commercial quota for gag; and (4) required operators of federally permitted Gulf commercial and for-hire reef fish vessels to comply with the more restrictive of federal or state reef fish regulations when fishing in state waters for red snapper, greater amberjack, gray triggerfish, and gag [71 FR 66878].

An emergency rule was implemented May 18, 2009 through October 28, 2009 prohibiting the use of bottom longline gear to harvest reef fish east of 85°30' W longitude in the portion of the EEZ shoreward of the coordinates established to approximate a line following the 50-fathom (91.4-m) contour as long as the 2009 deep-water grouper and tilefish quotas are unfilled. After the quotas have been filled, the use of bottom longline gear to harvest reef fish in water of all depths east of 85°30' W longitude are prohibited [74 FR 20229].

A rule under the Endangered Species Act was implemented October 16, 2009 that prohibits bottom longlining for Gulf reef fish east of 85°30' W longitude (near Cape San Blas, Florida) shoreward of the 35-fathom depth contour, and it restricts the number of hooks on board to 1,000

hooks per vessel with no more than 750 hooks being fished or rigged for fishing at any given time. The rule replaced the 50 fathom boundary emergency rule in order to relieve social and economic hardship on longline fishermen who were prevented from fishing for shallow-water grouper by the emergency rule, and to keep fishing restrictions consistent with the Amendment 31 actions in place while proposed Amendment 31 is reviewed. The rule was implemented after a Biological Opinion was completed by NMFS on the continued authorization of the Gulf reef fish fishery, as managed under the Reef Fish FMP. That opinion, which considered the proposed actions in Amendment 31, concluded that the continued authorization of the Gulf reef fish fishery was likely to adversely affect sea turtles and sawfish, but was not likely to jeopardize the continued existence of any listed species. An Incidental Take Statement was issued specifying the amount and extent of anticipated take on a three-year basis, along with reasonable and prudent measures and associated terms and conditions deemed necessary and appropriate to minimize the impact of these takes [74 FR 53889].

In response to an uncontrolled oil spill resulting from the explosion on April 20, 2010 and subsequent sinking of the Deepwater Horizon oil rig approximately 36 nautical miles (41 statute miles) off the Louisiana coast, NMFS issued an emergency rule to temporarily close a portion of the Gulf of Mexico EEZ to all fishing [75 FR 24822]. The initial closed area extended from approximately the mouth of the Mississippi River to south of Pensacola, Florida and covered an area of 6,817 square statute miles. The coordinates of the closed area were subsequently modified periodically in response to changes in the size and location of the area affected by the spill. At its largest size on June 1, 2010, the closed area covered 88,522 square statute miles, or approximately 37 percent of the Gulf of Mexico EEZ. This closure was implemented for public safety.

An August 2010 regulatory amendment, implemented January 1, 2011, reduced the TAC for red grouper from 7.57 mp gw to 5.68 mp gw, based on the optimum yield projection from a March 2010 re-run of the projections from the 2009 red grouper update assessment. Although the stock was found to be neither overfished nor undergoing overfishing, the update assessment found that spawning stock biomass levels had decreased since 2005, apparently due to an episodic mortality even in 2005 which appeared to be related to an extensive red tide that year. Based on the 76%:34% commercial and recreational allocation of red grouper, the commercial quota was reduced from 5.75 to 4.32 mp gw, and the recreational allocation was reduced from 1.82 to 1.36 mp gw. No changes were made to the recreational fishing regulations as the recreational landings were already below the adjusted allocation in recent years.

On August 11, 2009, the Council was notified by NMFS that the Gulf of Mexico gag stock was both overfished and undergoing overfishing based on the results of the 2009 update stock assessment. Because management measures from Amendment 32 which address these issues could not be completed in time, an interim rule was published on December 1, 2010 [75 FR 74654], to reduce gag landings consistent with ending overfishing. This interim rule implemented conservative management measures while a rerun of the update stock assessment was being completed. At issue was the treatment of dead discarded fish in the assessment. The rule reduced the commercial quota to 100,000 pounds gutted weight, suspended the use of red grouper multi-use individual fishing quota allocation so it would not be used to harvest gag, and to temporarily halted the recreational harvest of gag until recreational fishing management

measures being developed in Amendment 32 could be implemented to allow harvest at the appropriate levels.

The gag 2009 update stock assessment was rerun in December 2010 addressing the problems with discards identified earlier in 2010. This assessment was reviewed in January 2011 by the Council's Scientific and Statistical Committee and presented to the Council at their February 2011 meeting. The assessment indicated that the gag commercial quota implemented in the December 1, 2010, interim rule could be increased and that a longer recreational season could be implemented. In response, the Council requested an interim rule while they continued to work on long-term measures including a gag rebuilding plan in Amendment 32. The interim rule set the commercial gag quota at 430,000 pounds gutted weight (including the 100,000 pounds previously allowed) for the 2011 fishing year, and temporarily suspended the use of red grouper multi-use IFQ allocation so it cannot be used to harvest gag. It also set a two-month recreational gag fishing season from September 16 through November 15. This temporary rule was effective from June 1, 2011 through November 27, 2011, and was extended for another 186 days or until Amendment 32 was implemented [76 FR 31874].

This August 2011 Red Grouper Regulatory Amendment, implemented November 2, 2011, increased the 2011 red grouper TAC to 6.88 million pounds and allowed the TAC to increase from 2012 to 2015. The increases in TAC were contingent upon the TAC not being exceeded in previous years. If TAC is exceeded in a given year, it will remain at that year's level until the effects of the overage are evaluated by the Scientific and Statistical Committee. The amendment also increased the red grouper bag limit to 4 fish per person.

A March 2012 regulatory amendment, implemented in May 2012, set the 2012 and 2013 quotas for commercial and recreational red snapper harvest. The quotas could be increased because a recent stock assessment showed that overfishing has ended. The red snapper allowable catch increased from 7.185 mp ww weight in 2011 to the following:

	2012	2013
Overall Quota	8.080 mp ww	8.690 mp ww
Commercial Allocation	(51%) 4.121 mp ww	4.432 mp ww
Recreational Allocation	(49%) 3.959 mp ww	4.258 mp ww

If the 2012 overall quota was exceeded, the 2013 quota increase would require further scientific review and potential modification by the Gulf of Mexico Fishery Management Council. The regulatory amendment also eliminated the fixed recreational red snapper closed season of October 1 – December 31. By eliminating the closure date, NOAA Fisheries Service can reopen the recreational harvest for red snapper if any remaining quota is available, without the delay of additional rulemaking.

A December 2012 framework action (GMFMC 2012), implemented July 5, 2013, revised the recreational gag open season. It would still open on July 1, but instead of closing on October 31 it would close on the date when the ACT is projected to be reached. This framework action also modified the February 1 through March 31 recreational closed season on shallow-water grouper to apply only on waters beyond the 20-fathom boundary. In waters shoreward of 20 fathoms,

recreational shallow-water grouper fishing would remain open except for gag, which is subject to a separate closed season. This modified closed season took effect with the 2014 calendar year.

A March 2013 red snapper framework action increased the red snapper quotas from 4.121 mp commercial and 3.959 mp recreational to 4.315 mp commercial and 4.145 mp recreational. This action was projected to result in a 27-day recreational season, beginning June 1.

An April 2013 framework action established a 10-vermilion snapper recreational bag limit within the 20-reef fish aggregate, increased the Gulf yellowtail snapper ACL from 725,000 lb round weight to 901,125 lb round weight, and removed the requirement to have onboard and use venting tools when releasing reef fish. It was effective September 3, 2013.

A June 2013 framework action modified the frequency of headboat reporting to be on a weekly basis (or intervals shorter than a week if notified by the SRD) via electronic reporting, and due by 11:59 p.m., local time, the Sunday following a reporting week. If no fishing activity occurs during a reporting week, an electronic report so stating must be submitted for that week. It was effective March 14, 2014.

A July 2013 framework action further increased the 2013 quotas for commercial and recreational harvest of red snapper in the Gulf of Mexico based on updated landings estimates, and set the timing for a supplemental recreational fishing season for red snapper. The updated quotas were to and overall 11.0 mp ww for 2013. The commercial and recreational sector quotas were based on the current 51% commercial (5.610 mp) and 49% recreational (5.390 mp) allocation of red snapper.

A framework action submitted to NMFS in October 2014 was approved for implementation on April 20, 2015. The action establishes a 2015 recreational red snapper annual catch target (ACT) by applying a 20% buffer to the recreational quota. The framework action also establishes a recreational quota overage adjustment where, while red snapper is under a rebuilding program, if the recreational red snapper quota is exceeded, the overage would be deducted from the recreational red snapper quota in the following season unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. The ACT would also be adjusted to maintain the established percent buffer.

A framework action submitted to NMFS in December 2014 proposes a reduction in the recreational red grouper bag limit to 2 fish per day within the 4-fish aggregate grouper bag limit. It also proposes to eliminate the accountability measure that automatically reduced the red grouper bag limit in the subsequent season if the Recreational C is exceeded in the current season. This framework action is currently under review by NMFS.

Secretarial Amendments

Secretarial Amendment 1 established a rebuilding plan, a 5.31 mp gw commercial quota, and a 1.25 mp gw recreational target catch level for red grouper. The amendment also reduced the commercial quota for shallow-water grouper from 9.35 to 8.8 mp gw and reduced the commercial quota for deep-water grouper from 1.35 to 1.02 mp gw. The recreational bag limit

for red grouper was reduced to two fish per person per day. Rulemaking from this amendment was effective July 15, 2004 [69 FR 33315]. In this amendment bottom longlines were considered for movement out to 50 fathoms which had also been considered under Reef Fish Amendment 18.

Secretarial Amendment 2 was approved on July 3, 2003 [68 FR 39900] and specified a greater amberjack maximum sustainable yield as the yield associated with $F_{30\% SPR}$ (proxy for F_{MSY}) when the stock is at equilibrium, optimum yield as the yield associated with an $F_{40\% SPR}$ when the stock is at equilibrium, maximum fishing mortality threshold equal to $F_{30\% SPR}$, and minimum stock size threshold equal to $(1-M) \cdot B_{MSY}$ or 75% of B_{MSY} . It also set a rebuilding plan limiting the greater amberjack harvest to 2.9 MP for 2003-2005, 5.2 MP for 2006-2008, 7.0 MP for 2009-2011, and 7.9 mp for 2012. This was expected to rebuild the stock in seven years. Regulations implemented in 1997 and 1998 (Amendments 12 and 15) were deemed sufficient to comply with the rebuilding plan so no new regulations were implemented. No rulemaking was developed from this amendment

Control Date Notices

Control date notices are used to inform fishermen that a license limitation system or other method of limiting access to a particular fishery or fishing method is under consideration. If a program to limit access is established, anyone not participating in the fishery or using the fishing method by the published control date may be ineligible for initial access to participate in the fishery or to use that fishing method. However, a person who does not receive an initial eligibility may be able to enter the fishery or fishing method after the limited access system is established by transfer of the eligibility from a current participant, provided the limited access system allows such transfer. Publication of a control date does not obligate the Council to use that date as an initial eligibility criteria. A different date could be used, and additional qualification criteria could be established. The announcement of a control date is primarily intended to discourage entry into the fishery or use of a particular gear based on economic speculation during the Council's deliberation on the issues. The following summarizes control dates that have been established for the Reef Fish FMP. A reference to the full *Federal Register* notice is included with each summary.

November 1, 1989 – Anyone entering the commercial reef fish fishery in the Gulf and South Atlantic after November 1, 1989, may not be assured of future access to the reef fish resource if a management regime is developed and implemented that limits the number of participants in the fishery [54 FR 46755].

November 18, 1998 – The Council is considering whether there is a need to impose additional management measures limiting entry into the recreational-for-hire (i.e., charter vessel and headboat) fisheries for reef fish and coastal migratory pelagic fish in the EEZ of the Gulf and, if there is a need, what management measures should be imposed. Possible measures include the establishment of a limited entry program to control participation or effort in the recreational-for-hire fisheries for reef fish and coastal migratory pelagic [63 FR 64031] (In Amendment 20 to the Reef Fish FMP, a qualifying date of March 29, 2001, was adopted).

July 12, 2000 – The Council is considering whether there is a need to limit participation by gear type in the commercial reef fish fisheries in the exclusive economic zone of the Gulf and, if there is a need, what management measures should be imposed to accomplish this. Possible measures include modifications to the existing limited entry program to control fishery participation, or effort, based on gear type, such as a requirement for a gear endorsement on the commercial reef fish vessel permit for the appropriate gear. Gear types which may be included are longlines, buoy gear, handlines, rod-and-reel, bandit gear, spear fishing gear, and powerheads used with spears [65 FR 42978].

October 15, 2004 – the Council is considering the establishment of an individual fishing quota program to control participation or effort in the commercial grouper fisheries of the Gulf. If an individual fishing quota program is established, the Council is considering October 15, 2004, as a possible control date regarding the eligibility of catch histories in the commercial grouper fishery [69 FR 67106].

December 31, 2008 – the Council voted to establish a control date for all Gulf commercial reef fish vessel permits. The control date will allow the Council to evaluate fishery participation and address any level of overcapacity. The establishment of this control date does not commit the Council or NMFS to any particular management regime or criteria for entry into this fishery. Fishermen would not be guaranteed future participation in the fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 - Modifications to the Gag Grouper Annual Catch Limits and Annual Catch Targets

All weights are in million pounds gutted weight. The stock ACL is allocated 61% recreational, 39% commercial.

Alternative 1. No Action. Maintain the acceptable biological catch (ABC), annual catch limit (ACL), and annual catch target (ACT) at the existing 2015 level.

Year	ABC/Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL	ACT/Quota
2015+	3.12	1.903	1.708	1.217	0.939

Alternative 2. Set ACL and ACT based upon SSC recommendations for ABC, 2015-2017. Set the stock ACL = ABC for each year. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	ABC/Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL/Quota	ACT
2015	5.21	3.18	2.93	2.03	none
2016	4.75	2.90	2.67	1.85	none
2017+	4.57	2.79	2.57	1.78	none

Alternative 3. Set ACL and ACT based upon SSC recommendations for ABC, 2015-2017. Set a constant ACL at the lowest ABC recommended by the SSC. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	ABC/Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL/Quota	ACT
2015+	4.57	2.79	2.57	1.78	none

Alternative 4. Set ACL and ACT based upon equilibrium optimum yield. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	ABC/Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL/Quota	ACT
2015+	4.46	2.72	2.50	1.74	none

Discussion: The Council's Scientific and Statistical Committee (SSC) reviewed the SEDAR 33 gag benchmark assessment (SEDAR 33 2014) in June 2014. Based on the results of the assessment, the SSC concluded that the gag stock was neither overfished nor undergoing overfishing. Therefore, a rebuilding plan is no longer needed. **Alternatives 2 and 3** are based on maintaining the stock at or above its maximum sustainable yield (MSY) level, while

Alternative 4 is based on maintaining the stock at or above its optimum yield (OY) level. The OY is defined as the yield when fishing at a fishing mortality rate equal to 75% of the MSY fishing rate. An analysis of fishing at OY indicates that, at equilibrium, stocks will produce between 95% and 98% of the MSY yield while maintaining the spawning stock biomass level between 127% and 131% of the MSY biomass level (Restrepo et al. 1998).

In **Alternative 1**, the ACLs and ACTs were established under Amendment 32 (GMFMC 2011a), prior to the adoption of the Generic ACL/AM Amendment (GMFMC 2011b), and are based partially on a different procedure than used today which was established in Amendment 30B (GMFMC 2008). Under the Amendment 30B procedure, the sector-ACL was set at the sector-specific allocation of ABC, as is done today. The ACT was set at the sector-specific allocation of the yield corresponding to F_{OY} . Both sectors received an ACL and an ACT. The grouper-tilefish IFQ program began in 2010. Due to the limited amount of gag IFQ allocation available in the initial years of the gag rebuilding plan, gag bycatch and discards from fishermen targeting red grouper or other fish were considered to be higher than assumed in the assessment projections. Consequently, Amendment 32 (implemented in 2011) added an additional 14% buffer to the commercial ACT to explicitly account for dead discards by the commercial sector that were not accounted for in the assessment analyses. This resulted in the commercial ACT shown in **Alternative 1**. This ACT is also the current commercial quota.

Alternatives 2, 3, and 4 do not include a commercial ACT. Unlike the earlier assessment, the SEDAR 33 benchmark assessment for gag did account for all sources of discard mortality, negating the need for a supplemental buffer. In addition, commercial quotas for species managed under the grouper-tilefish IFQ program have never been exceeded, and gag is no longer overfished. Under the ACL/ACT control rule adopted in 2012 (GMFMC 2011b), this results in a buffer of 0%; thus no reduction from the ACL is recommended. Since establishing a commercial ACT is no longer needed (if it was established, it would be set equal the ACL), **Alternatives 2-4** would eliminate the commercial ACT, and set the commercial quota equal to the ACL. If it becomes necessary to reinstate a commercial ACT in the future, it can be done under the generic framework procedure.

2.2 Action 2 – Modifications to the Recreational Gag Grouper Fishing Season

Alternative 1: No action. The recreational gag season will remain July 1 through December 2 (147 days) unless shortened due to a projection that the annual catch target (ACT) will be reached sooner.

Alternative 2: Eliminate the December 3-31 fixed closed season. The recreational gag season will open on July 1 and will remain open through the end of the year or until a projection that the ACT will be reached sooner.

Alternative 3: Retain a single season that will remain open until the date that the ACT is projected to be reached. (The offshore closed season of February 1 through March 31 in waters beyond 20 fathoms will remain in effect for all shallow-water grouper including gag.) The opening date for the season will be determined based on projecting backward from December 31 until the date on which the following ACT is projected to be reached. This opening date would remain in place each year until modified by subsequent rulemaking:

Option 3a: 2016 ACT (2.67 mp gw)

Option 3b: 2017 ACT (2.57 mp gw)

Option 3c: Equilibrium optimum yield ACT (2.50 mp gw)

Alternative 4: Establish a recreational split season. (Regardless of season dates, the offshore closed season of February 1 through March 31 in waters beyond 20 fathoms will remain in effect for all shallow-water grouper including gag.)

The Council is asked to comment on what options to consider under Alternative 4 including:

What opening dates to consider for each sub-season

Should the first sub-season be based on

- a. A fixed number of days (subject to in-season closure), or
- b. A fixed percentage of the recreational ACT (subject to in-season closure)

with remaining ACT to be taken in the second sub-season.

Discussion: There is currently a closed season for all shallow-water grouper from February 1 through March 31 of each year in offshore waters beyond a series of boundary lines that approximate the 20-fathom depth contour (GMFMC 2012). During this period, recreational harvest of shallow-water grouper (red, black, gag, yellowfin, yellowmouth, and scamp) is prohibited. Shoreward of this boundary, harvest of shallow-water grouper is allowed, except for gag which is under a January 1 through June 30 closed season. If the open season for gag is modified to include days from February or March, that opening will apply only shoreward of the 20 fathom boundary during those days. Beyond 20 fathoms, harvest would continue to be closed to all shallow-water grouper including gag.

Alternative 1 leaves the recreational gag season at its current dates of July 1 through December 2. Preliminary landings estimates for 2014 indicate that the recreational sector caught 870,720 pounds of gag, just 54% of the ACT. Depending upon the selection of a preferred alternative in Action 1, the ACT for 2015-2017 will increase by between 43% and 67%. It is unlikely that the recreational sector will be able to catch its allocation under this alternative.

Alternative 2 eliminates the December 3-31 fixed closed season. A December 2012 framework action adjusted the recreational season to close on the date when NMFS projects the ACT will be reached. For 2013, NMFS projected that the ACT would be reached on December 2. This closed date was established as a fixed closed season rather than one that could be adjusted each year in response to new ACT projections. Consequently, the recreational gag season continued to close on December 3 regardless of whether the ACT was reached. This alternative removes that fixed closed date and allows the season to remain open for any length of time up to December 31 or until the ACT is projected to be reached. The intent of this alternative is that the closure date will be reevaluated each year. This alternative can be selected in combination with other alternatives.

Alternative 3 would create single season for the gag recreational sector. This alternative cannot be implemented in time for the 2015 recreational season due to the amount of time needed to approve and implement a framework action, so the analysis considers implementation will occur in 2016. The opening date would initially be determined by calculating how many days would be needed to catch the recreational ACT by December 31, and would remain in place each year unless modified by subsequent rulemaking. For example, if an initial determination is made that a May 10 opening would allow the ACT to be taken by December 31, that would become the opening date from that point onward. The ACT will decline in future years under some of the Action 1 alternatives, and therefore, an opening date that will allow the season to remain open through the end of the year in 2016 may result in an ACT closure in 2017.

Option 3a would result in a starting date based on the 2016 ACT (in **Alternative 2 of Action 1**). This would allow the earliest opening date, but would increase the possibility of an ACT closure in subsequent years. **Option 3b** would result in a starting date based on the 2017 ACT (in **Alternative 2 of Action 1** or the ACT in **Alternative 3 of Action 1**). This would result in a later starting date than **Alternative 1**, and it increases the possibility of unharvested ACT in 2016, but increases the possibility of the season remaining open through the end of the year in subsequent years. If **Alternative 3 in Action 1** is selected, this would be the most appropriate option. **Option 3c** would result in a starting date based on the equilibrium ACT (**Alternative 4 of Action 1**). This would result in a later starting date than the other options. For any alternative other than **Alternative 4 in Action 1**, this is likely to result in unharvested ACT, but this would be the most appropriate option if **Alternative 4 in Action 1** is selected.

Under all options in **Alternative 3**, if the starting date results in an open season during the February 1 – March 31 shallow-water closed season, the shallow-water closed season would still apply to gag in waters beyond the 20-fathom contour. However, in waters shallower than 20 fathoms, the recreational gag season would open in accordance with the opening date.

Alternative 4 would create a recreational split season. The Council is requested to provide guidance to staff on what opening dates to consider and on how to structure this alternative. The first sub-season could be based on a fixed number of days, or on a fixed percentage of the ACT. If based on a percentage, NMFS would calculate the first sub-season length prior to the season opening. In either case, the second sub-season would remain open for any remaining ACT. If harvest in sub-season 1 exceeds its projected catch, there would be a shorter second sub-season to adjust for the overharvest. Conversely, if harvest in the first sub-season is less than projected, the second sub-season would be extended to adjust for the underharvest. If the entire ACT is taken in the first sub-season, there would be no second sub-season, and the first sub-season could be subject to an ACT closure. There should be enough separation between the first and second sub-seasons to allow NMFS to gather preliminary landings for the first sub-season. This means at least 45 days from the end of the MRIP wave in which the first sub-season occurs.

Under all scenarios in **Alternative 4**, if the open season dates result in an open season during the February 1 – March 31 shallow-water closed season, the shallow-water closed season would still apply to gag in waters beyond the 20-fathom contour. However, in waters shallower than 20 fathoms, the recreational gag season would open in accordance with the open season dates.

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