

**Reef Fish Management Committee Report  
June 19, 2018  
Johnny Greene – Chair**

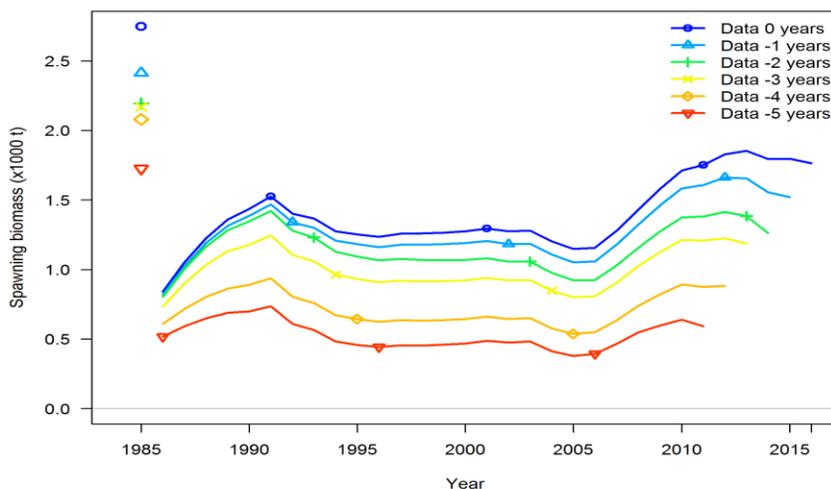
The agenda was adopted with the addition of items under Other Business. The minutes of the April 17-18, 2018 Committee meeting were approved with corrections.

**ACL Updates Reef Fish Landings (Tab B, No. 4)**

SERO staff provided updated landings of selected reef fish. For the commercial sector, 2018 preliminary landings estimates through June 4 indicate that 71% of the gray triggerfish has been caught. Greater amberjack commercial harvest closed April 3, and 103% of the quota was taken. Preliminary recreational harvests for 2017 are available, and show that gray triggerfish and greater amberjack each had landings over 140% of their ACLs. Gray snapper, hogfish, and yellowtail snapper did not exceed their ACLs in 2017 and were open all year.

**SEDAR 37 – Hogfish Update Assessment (Tab B, No. 5)**

Dr. Luis Barbieri summarized the Gulf hogfish update assessment. Hogfish are caught primarily by spearfishing in both the recreational and commercial sectors, but recreational hook-and-line has been increasing in recent years. Biomass is higher than the estimates from the previous assessment, and the stock is neither overfished (under the new minimum stock size threshold (MSST) = 50% of  $SSB_{30\% SPR}$ ) nor experiencing overfishing ( $F_{CURRENT}$  is less than  $F_{30\% SPR}$ ). However, the retrospective analyses indicated uncertainty in the results (Figure 1). For this reason, and because catches have been increasing in recent years, the SSC decided not to use the ABC control rule for setting ABC, and instead, set ABC based on the yield when fishing at 75% of  $F_{30\% SPR}$  (Table 1).



*Figure 1. Hogfish update assessment retrospective analysis*

Table 1. Hogfish OFL and ABC recommendations in 1,000 lbs whole weight

Year	OFL	ABC
2019	151.5	129.5
2020	163.7	141.3
2021	172.5	150.4

Several Committee members questioned the ABC recommendations, which are much lower than the current ABC despite the stock biomass being higher. Dr. Barbieri responded that this was partly the result of scientific uncertainty. He added that, because this was an update assessment, it used a version of Stock Synthesis 3 that was not the most current version. A benchmark assessment would allow the most current version of the assessment model to be used, and address the uncertainties identified in the update assessment. Therefore, the SSC recommended that the next Gulf hogfish assessment be a benchmark assessment. Dr. Barbieri suggested that, because the hogfish assessment is conducted by FWRI, this would not put any additional burden on the SEFSC. However, it was noted that FWRI would still be dependent on the SEFSC to process the data.

Committee members discussed the possibility of having a slot limit for hogfish in order to protect the larger females from transitioning to males. However, unless it was a very wide slot limit, some Committee members thought that it would be difficult for spearfishers to judge whether a fish was within the slot.

**Without opposition, the Committee recommends and I so move, to direct staff to develop a framework action to adjust the ACL for Gulf hogfish.**

A request was made to have a hogfish fact sheet, similar to the cobia fact sheet presented earlier, available to the Council when the framework action is reviewed.

#### **SEDAR 51 – Gray Snapper Benchmark Assessment (Tab B, No. 6)**

Dr. Barbieri summarized the gray snapper benchmark assessment. This is the first time that gray snapper has been assessed. Recreational catch data are available for 1981-2015, and commercial catch data for 1962-2015. Historical catches back to 1945 for the commercial and recreational sectors were estimated by using the effort series from US Fish and Wildlife Service Survey of Hunters and Fishers and adjusting the effort to the 1981 or 1962 value. Discard rates were high, particularly from the recreational shore mode (i.e., 90% of the shore catch), creating problems with model fits to observed data. The model did not fit observed commercial discard fractions without degrading other components that were thought to be less uncertain.

The maximum fishing mortality threshold (MFMT) was defined as  $F_{30\%SPR}$  in the 1999 Generic Sustainable Fisheries Act. However, an MSST has not yet been set for gray snapper. Based on the MFMT,  $F_{CURRENT}$  is higher than MFMT ( $F_{CURRENT}/F_{30\% SPR} = 1.2$ ), indicating that the stock is currently undergoing overfishing, and has been undergoing overfishing for most years since 1976.

In the absence of an MSST, the assessment initially used an MSST equal to 50% of  $SSB_{30\% SPR}$ , incorrectly assuming this level of MSST had been set for gray snapper in Amendment 44. Under this MSST, the stock is not overfished. However, MSST is currently undefined. In the absence of a defined MSST, the SSC selected  $(1-M)*SSB_{SPR30\%}$  as the MSST, and based on this definition gray snapper is overfished.

The SSC recommended OFL and ABC levels for gray snapper that would end overfishing (Table 2).

*Table 2. Gray snapper OFL and ABC recommendations in million lbs whole weight.*

Year	OFL (mp ww)	ABC (mp ww)
2019	2.31	2.27
2020	2.33	2.29
2021	2.36	2.32

Committee members noted that these results could change later in the year once MRIP recalculated landings are available. Also, in addition to adjusting ABC and ACL, the Council needs a plan amendment to adopt MSST and other status determination criteria. Dr. Porch stated that if the Council wanted to consider changing the MSY proxy, the lower limit would be 23% SPR, but 26% SPR might be more appropriate. Changing the MSY proxy would change the ABCs and might change the overfished status. Rather than wait for the updated landings data, the Committee decided to proceed with an amendment based on the current landings data. If updated landings information becomes available before the Council has completed the amendment, it could be folded into an updated assessment.

**Without opposition, the Committee recommends and I so move, to direct staff to begin a plan amendment to establish status determination criteria, management reference points, and catch levels for gray snapper.**

#### **SEDAR 52 – Red Snapper Standard Assessment (Tab B, No. 7)**

Dr. Barbieri summarized the red snapper standard assessment. Life history information was unchanged from the previous assessment. A new recreational discard mortality rate for 2009 to 2016 of 11.8% was used, up from the 10% used in the 2014 SEDAR 31 Update Assessment. Results of the current assessment were similar to the SEDAR 31 assessment. The SPR in the western Gulf continues to increase. In the eastern Gulf, stock biomass has peaked and is scheduled to decline due to high exploitation rates. Gulf-wide, the combined stock biomass continues to improve, allowing the ABC to increase initially, but with declines in subsequent years.

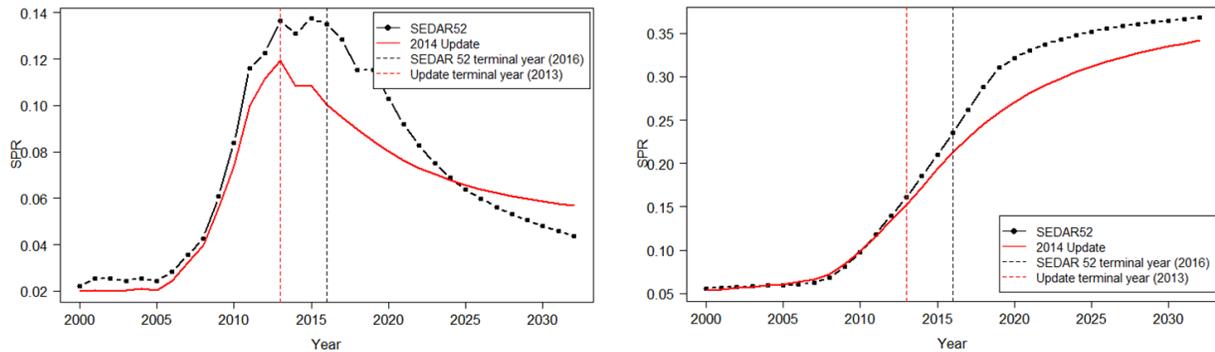


Figure 2. Red snapper regional SPR trends.

Under an MFMT =  $F_{26\%}$  SPR and MSST = 50% of  $SSB_{26\%}$  SPR, the red snapper stock is neither overfished nor experiencing overfishing, but is still in a rebuilding plan. The SSC provided two options for OFL and ABC; 1) an annual but declining OFL and ABC, and 2) a constant catch OFL and ABC during 2019-2021. The SSC considered these two options to be equivalent with respect to the rebuilding plan.

Table 3. Red snapper annual OFL and ABC recommendations in million lbs whole weight

Year	OFL (mp ww)	ABC (mp ww)
2019	16.6	16.0
2020	15.4	15.0
2021	14.6	14.3

Or under a constant catch scenario for years 2019-2021:

- **OFL** = 15.5 mp ww
- **ABC** = 15.1 mp ww

Lieutenant Mark Zanowicz noted that the U.S. Coast Guard (USCG) had interdicted 23,000 lbs. of illegally caught red snapper. Dr. Porch responded that the interdicted catch was not enough to impact the assessment results; however, if the USCG could supply annual estimates of illegal catch, they could be incorporated into future assessments. Dr. Crabtree noted that MRIP-revised recreational catch estimates were due by the end of the year. In the interim, he suggested that the Council focus on the current ABC recommendations. Subsequent landings could then be back-calculated to match the ABC methodology.

**Without opposition, the Committee recommends and I so move, to direct staff to begin working on a framework action to adjust the catch levels for red snapper.**

### State Management Program for Recreational Red Snapper (Tab B, No. 8)

Staff reviewed the state management program amendment. Action 1 addresses the components to include in state management. Noting the sunset on sector separation in 2022, the Committee discussed whether the state management programs should sunset at the same time. Because the EFPs are an opportunity for the states to evaluate state management, Committee members did

not think a sunset was necessary. Dr. Crabtree noted that the current preferred alternative, to allow each state to decide whether to manage one or both components, would lead to an extremely complex regulatory environment. The Committee then passed the following substitute motion:

**By a vote of 8 to 7, the Committee recommends and I so move, in Action 1, to change the preferred alternative to Alternative 2.**

**Alternative 2:** For a state with an approved state management program, the state will manage its private angling component, only, and must constrain landings to the state's private angling component ACL as determined in Action 2. The federal for-hire component will continue to be managed Gulf-wide. For states without an approved state management program, a private angling fishing season will be estimated using the remainder of the private angling component ACL, reduced by the established buffer. The state management plan will end when the separate private angling and federal for-hire ACLs expire (currently 2022).

Dr. Crabtree noted that for alternatives that would involve the states managing the private angling component only, sector separation would essentially remain in place. The Committee then passed the following motion:

**By a vote of 9 to 4, the Committee recommends and I so move, in Action 1, Alternatives 2 and 4, to remove the following sentence:**

The state management plan will end when the separate private angling and federal for-hire ACLs expire (currently 2022).

**And to add this sentence:**

The sunset provision of 2022 in Amendment 45 is removed.

Staff reviewed the alternatives in Action 2 for apportioning the recreational ACL among the states. The committee then passed the following motion:

**By a vote of 11 to 4, the Committee recommends and I so move, in Action 2, to make Alternative 6 the preferred.**

**Alternative 6:** Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL among the states based on the allocations set in the exempted fishing permits approved for the states to manage the recreational harvest of red snapper in 2018 and 2019.

Staff reviewed the actions in the individual state amendments. In Action 1, it was noted that the options that would require at-sea enforcement would be more problematic, as they would require NMFS to draw lines in the EEZ to designate the areas where such regulations would apply. The Committee then passed the following motion:

**Without opposition, the Committee recommends and I so move, in Action 1 of the Texas amendment to make Alternative 2, Options 2a-2e and Option 2g the preferred.**

**Alternative 2:** Establish a management program that **delegates** management authority in federal waters to Texas. If Texas's red snapper harvest plan is determined to be inconsistent with the requirements of delegation, the recreational harvest of red snapper in the federal waters adjacent to Texas would be subject to the default federal regulations for red snapper. Texas must establish the red snapper season structure for the harvest of its assigned portion of the recreational sector annual catch limit (ACL), monitor landings, and prohibit further landings of red snapper when the ACL is reached or projected to be reached. In addition, delegated authority for managing the recreational harvest of red snapper may include establishing or modifying the:

**Preferred Option 2a:** bag limit

**Preferred Option 2b:** prohibition on for-hire vessel captains and crew from retaining a bag limit.

**Preferred Option 2c:** minimum size limit within the range of 14 to 18 inches total length (TL)

**Preferred Option 2d:** maximum size limit

**Preferred Option 2e:** requirements for live release devices (e.g., descending devices)

**Preferred Option 2g:** use of area or depth-specific regulations.

#### **Scoping Document – Reallocation of Red Snapper ACL (Tab B, No. 9)**

Staff gave an overview of the scoping document and reviewed red snapper allocation amendments, MRIP data recalibration, and the Council's fishery management plan objectives. The Committee discussed two NMFS directives relevant to allocation review and inquired as to how they differed from the Council's Fishery Allocation Policy. The Committee then made the following motion:

**Without opposition, the Committee recommends and I so move, to direct staff to provide a side-by-side evaluation of the existing Gulf Council Allocation policy vs. the NMFS procedural directive in 01-119-01 and 01-119-02.**

The Committee noted that mechanisms to trigger reallocation would need to be identified by the end of 2019 for all species with allocation, and that this review would allow for initial discussion of the triggers.

#### **Progress Report on Reef Fish Amendment 48/Red Drum 5 – Status Determination Criteria and Optimum Yield**

Dr. Barbieri reviewed the SSC discussion with respect to the setting of MSY proxies. The SSC members were concerned that the alternatives in Reef Fish Amendment 48/Red Drum 5 could result in the Council setting inappropriate MSY proxies without proper guidance from the SSC. During this discussion, they suggested that NOAA General Counsel attend a future SSC meeting

to discuss best scientific information available, and to clarify the roles of the SSC and the Council.

The SSC suggested that the FMP state that the MSY proxy for each stock is the proxy recommended by the SSC (rather than explicitly define specific MSY proxies in the FMP). An alternative suggestion from the SSC was to have the FMP list a range of values for the MSY proxy so a value can be selected after an assessment is completed. Due to their concerns about the setting of MSY proxies, the SSC did not review the rest of the amendment.

Council staff summarized a conference call discussion held between Council, SERO, and SEFSC staff following the SSC meeting. The conference call discussed a number of questions raised as a result of the SSC. NOAA General Counsel is looking into numerous questions that came up during the conference call and indicated that this would be an ongoing project. Staff noted that the IPT for this amendment will be meeting next week and will discuss how to proceed with revisions to the amendment.

### **Draft Framework Action to Modify the ACT for Red Snapper Federal For-hire and Private Angling Components (Tab B, No. 11)**

Staff reviewed the framework action's purpose and need and the proposed action with the Committee. The NMFS is currently using ACTs in addition to ACLs for recreational red snapper management due to the legal challenge which stated that NMFS was not doing enough to prevent overfishing in the recreational sector for red snapper. The purpose of the buffers is to avoid exceeding the ACL for the combined recreational sector. In the case of the exempted fishing permits (EFPs), under which the states are presently managing the private angling component of recreational red snapper, a decreased buffer has been implemented in exchange for more strict accountability measures in the form of paybacks. A motion was made to add a fifth alternative to the action to reduce the buffer on the for-hire component, only if the total recreational ACL wasn't exceeded in the previous year, but failed for lack of a second. Following that, another motion was made:

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

**Alternative 3:** Apply the Gulf of Mexico Fishery Management Council's ACL/ACT Control Rule, using landings from 2014 – 2017, to set the respective component ACT buffers for the private angling and for-hire components. This results in a for-hire component ACT set 9% below the for-hire component ACL. The private angling component ACT would remain at 20% below the private angling component ACL. The total recreational sector ACT would be approximately 15% below the recreational sector ACL.

The Committee noted that the purpose behind the framework amendment was to address the inequity between the recreational components, whereby the private angling component has been exceeding its ACL while the for-hire component has not. SERO staff added that a performance-based method for reducing the buffer may be easier to defend legally; whereas, a direct

modification to only one component's buffer without addressing the other component would be more difficult to defend. Further, it will be more difficult for NMFS to defend reducing the for-hire buffer if there is an overage of the total recreational ACL in 2018 under the EFPs. Adjusting the way in which the for-hire season is calculated was proffered as a way to address the previously stated inequity between the recreational components. SERO staff countered that the components are managed to their respective ACTs, and in 2017, the for-hire component landed 99% of its ACT. Stability of season lengths was also identified as an important goal of the Committee for recreational red snapper management, with improvements in data resolution and timeliness expected to contribute to that desired stability in season length. The Committee discussed using the time available under EFP management for the private angling component to complete the generic carryover amendment, complete the individual state recreational red snapper management amendments, and to simultaneously provide some temporary relief to the for-hire component.

Another document which is presently in development which may provide relief to the for-hire sector is the generic amendment to include a carryover provision in the Council's ABC Control Rule. The Committee discussed using the time available under EFP management for the private angling component to complete the generic carryover amendment, complete the state management amendments, and to simultaneously provide some temporary relief to the for-hire component.

**With one opposed, the Committee recommends, and I so move, in Action 1, to make Alternative 4 the preferred alternative.**

**Alternative 4:** Establish a sunset provision on the modification of the component ACT buffers of the recreational sector for red snapper. Any changes to the recreational component ACT buffers would end at the end of the 2019 fishing season.

The Committee recognized that the SSC's review of the most recent red snapper stock assessment resulted in a recommended increase in the ABC of approximately 1.5 million pounds in 2019 compared to the status quo. A more balanced approach, such as that proposed in Alternative 2, would be easier to defend legally. Under Alternative 2, a decrease in the buffer for the for-hire component would be matched by an equal increase in the buffer for the private angling component. Alternative 2 and its options all maintain the current 20% buffer between the ACT and the ACL for the combined recreational sector.

Staff added that the framework action is currently in the "options paper" stage, and we aim to bring a final action document to the August Council meeting. The Committee noted that addressing the buffer between the ACT and ACL for the for-hire component was a Council priority for implementation by 2019.

#### **SSC Summary Report (Tab B, No. 12)**

Dr. Barbieri reviewed items discussed by the SSC that were not discussed in previous agenda items. These included:

*A presentation on reducing discard mortality with descending devices*

Dr. Barbieri summarized a presentation given by SEFSC staff. Committee members were concerned that the analysis was based on hypothetical scenarios and might not be representative of actual discard mortality rates. SEFSC staff explained that the analysis was preliminary and was based on a decision tool that is still under development.

*Discussion on best scientific information available*

Dr. Barbieri noted that staff gave a presentation on National Standard 2 guidelines, and a review of a draft “Framework for Determining that Stock Status Determinations and Harvest Specifications are based on the Best Scientific Information Available (BSIA).” He reiterated that the SSC has requested that NOAA General Counsel attend a future SSC meeting to discuss BSIA.

*SEDAR 64 -- Yellowtail snapper benchmark assessment: TOR, schedule, and workgroup appointments*

The SSC reviewed and approved the terms of reference and schedule for the upcoming SEDAR 64 stock assessment of southeastern yellowtail snapper. However, given that new appointments were about to be made to the SSC, they deferred selection of workgroup appointees until the next SSC meeting.

*SEDAR research track*

The SSC was informed by Dr. Julie Neer that a planning committee is being formed to begin preparing for a SEDAR research track assessment for scamp. Ryan Rindone will serve as the Council staff representative on the committee, and Dr. Jeff Isely volunteered to be the SSC representative.

*Red grouper indices and interim analysis*

Staff noted that in January 2018 the SSC reviewed updated indices of abundance for red grouper. These indices showed a decline, but the SSC indicated that, without more information, they could not make any recommendations for management. The subject of an interim analysis was considered. Dr. Porch explained that examples of interim analyses could be presented to the SSC at their next meeting, but a full analysis for red grouper would require a management strategy evaluation (MSE), and could not be ready in that time period.

**Other Business**

*IUU Fishing Identification Report*

The Committee received a report from the Department of Commerce (DOC) regarding the problem with Mexican lanchas fishing without authorization in U.S. waters. The DOC has issued a positive certification determination, finding that Mexico has taken actions to address the

problem, including assessing \$2.78 million in fines. A Committee member from Texas was surprised by the determination, as Texas law enforcement has not seen a decrease in the incursions. The Committee expressed interest in receiving an update from the USCG regarding any ongoing encounters with Mexican lanchas.

*Implementation of For-hire Reporting Amendment*

NMFS staff provided the expected timeline for implementation of the new for-hire reporting requirements. Implementation for the Gulf and South Atlantic regions are following different timelines, with the South Atlantic rule scheduled to be implemented by January 1, 2019, versus implementation in the Gulf by April 1, 2019. Implementation will occur in two phases since it will take longer to implement the GPS provisions than the paper reporting requirements. The NMFS is looking for a way to avoid Monroe County fishermen having to file dual reports.

Madam Chair, this completes my report.