

Reef Fish Committee Report April 9, 2024 Dr. Thomas Frazer – Chair

The Committee adopted the agenda (**Tab B, No. 1**), after adding an item under Other Business to discuss Reef Fish Amendment 53. The minutes (**Tab B, No. 2**) from the January 2024 meeting were approved as written.

Review of Reef Fish and Individual Fishing Quota Program Landings (Tab B, No. 4)

Southeast Regional Office (SERO) staff reviewed the status of reef fish, for-hire red snapper, and individual fishing quota (IFQ) program landings relative to catch limits, with preliminary data through 2023. SERO noted that recreational harvest of greater amberjack would reopen on May 1, 2024, due to the recreational annual catch limit (ACL) not being landed in the fall 2023 season, and the Framework Action that will modify the recreational fishing season to be open September 1 through October is not yet effective¹. A Committee member asked whether the precision of quota monitoring for the for-hire component merited revisiting the buffer between the component's ACL and its annual catch target (ACT). SERO expressed confidence in its ability to predict the for-hire red snapper season, and suggested revisiting that buffer in conjunction with revising catch advice for red snapper after the next planned stock assessment.

Representatives of the five Gulf states briefed the Committee on their respective 2023 fishing seasons for the private recreational component of the red snapper fishery. A Committee member from Alabama replied that the combination of reef deployments within state waters, and fishing practices by state for-hire guides, may explain the disparity between the length compositions from the state for-hire landings from Florida and Alabama. Committee members discussed the patterning of Mississippi's fishing season, and the implementation of calibrations and revised catch limits. In discussing the payback provisions under Reef Fish Amendment 50, a Committee member commented that a payback provision should not apply to a state if the stock as a whole did not experience overfishing in a fishing year. NOAA General Counsel (GC) clarified that the state-specific payback provisions were developed to encourage each state to constrain its landings to its respective ACL. Another Committee member asked how long the Louisiana fishing season could be sustained at 7-days/week. A Committee member from Louisiana noted that effort in that state drops off following Labor Day weekend in September, and the state can pause fishing mid-season depending on the pace of landings observed. Like Florida, Louisiana measures effort at the angler level. The Committee member from Louisiana added that the transitions for Mississippi and Alabama to a LA Creel-style survey are going well, to which Committee members from Mississippi and Alabama concurred. A Committee member from Texas said the models and supporting data used for projecting Texas' fishing seasons could be provided to interested parties.

¹ https://gulfcouncil.org/wp-content/uploads/B-7a-Draft-GAJ-Framework-Action-10_13_23_BB.pdf

Presentation: 2024 Gag and Red Grouper Recreational Season Projections (Tab B. No. 5)

SERO staff reviewed updated red grouper and gag recreational fishing season projections for 2024. The 2023 fishing year landings for both species were estimated using the federal Marine Recreational Information Program's Fishing Effort Survey (MRIP-FES) for private recreational vessels and resulted in significantly higher landings estimates compared to previous fishing years. SERO collaborated with the Florida Fish and Wildlife Conservation Commission (FWC) and the NOAA Office of Science and Technology (OST) to review these landings and determine whether any intercepts or other data required further analysis.

For red grouper, SERO used recent landings from 2020 – 2023, including only MRIP waves 1 – 4 (January 1 to August 31) because the ACT is projected to be met during this time. Given the high wave 4 (July/August) landing estimate in 2023 during that 20-day open period (July 1-20), SERO conducted sensitivity runs with and without 2023 wave 4 data. Using a 3-year average which includes wave 4 from 2023 results in a fishing season of January 1 – July 14. Using a 3-year average which uses the 2020 – 2022 average for wave 4 in place of the same for 2023 would result in a fishing season of January 1 – August 2. Given that the red grouper recreational ACL and ACT have been exceeded in each of the last three years, NMFS plans to set the recreational season from January 1 – June 30, 2024. If the ACT is not met, NMFS may reopen the fishing season later in the year. Allowing the fishing season to continue beyond June 30 requires additional analysis of wave 4 landings, which are not available until at least October 15. Thus, by constraining the initial fishing season to waves 1 – 3 for 2024, NMFS can more confidently constrain harvest to the ACL, and will have the time needed to re-open the fishery later in the year if possible.

A Committee member asked about the data units used for red grouper at present. SERO replied that MRIP-FES is still in use consistent with the last stock assessment and subsequent catch limit modification. The next red grouper stock assessment (SEDAR 88) is exploring the use of FWC's State Reef Fish Survey (SRFS) and will be reviewed by the Scientific and Statistical Committee (SSC) this fall.

For gag, the 2023 season ran from September 1 – October 18, and accountability measures (AMs) require a payback of the amount of any ACL overage, unless the best scientific information available determines lesser, greater, or no overage adjustment is necessary. Shore landings were not used to calculate the 2023 ACL overage, given the highly uncertain shore mode catch estimates and few intercepts for gag caught from shore. To transition from MRIP-FES in 2023 to SRFS in 2024, a way to account for the 2023 overage in SRFS units is needed. A multi-step conversion was discussed, which results in an estimated overage of 124,624 lb gutted weight (gw) in SRFS units. The 2024 unadjusted ACL in SRFS units is 288,000 lb gw, which is then adjusted down to 163,376 lb gw to account for the payback². SERO will work with FWC to project the fall 2024 recreational fishing season based on this information.

² Slide 11: https://gulfcouncil.org/wp-content/uploads/B-5-Gulf_gag_red_grouper_Apr_GMFMC_2024.pdf

The Committee discussed the MRIP-FES landings estimates and the improvements being conducted therein by NOAA OST, per Dr. Richard Cody. He clarified Committee questions about data estimation and management, and when to make the revised estimation methodologies publicly available once they are finalized. Dr. Cody reiterated that NOAA OST does not support the use of landings estimates with a proportional standard error (PSE) greater than 50%. A Committee member asked about the progress made so far on the Council's January 2024 request for NOAA OST to escalate the review and evaluation of the recreational effort extrapolation methodologies between MRIP-FES and state effort programs, starting with comparisons between SRFS and MRIP-FES for gag and red grouper. Dr. Cody replied that this request was being explored by the MRIP Transition Team. A Committee member stated that a regional perspective was missing from the quality control and quality assurance process. They offered the example of catching 100,000 lb of gag from shore as being impossible, and that a Gulf fisherman would know that. The Committee member thought that additional regional experts available for review would benefit the landings estimation process.

Discussion of Conservation and Management of Wenchman in the Mid-water Snapper Complex (Tab B. No. 6)

Council staff discussed recent developments in the butterfish fishery, which has seen the fishermen who were experiencing the issues that brought about Reef Fish Amendment 61, leave the Gulf. Thus, the stakeholders who brought the issue before the Council are no longer concerned with wenchman as bycatch in the butterfish fishery.

The Committee recommends, and I so **move, to discontinue work on Reef Fish Amendment 61.**

Motion carried without opposition.

Draft Options: Reef Fish Amendment 58: Modifications to Shallow Water Grouper Complex Catch Limits and Management Measures (Tab B, No. 7)

A Committee member asked that the Council consider whether to proceed with Reef Fish Amendment 58. They recalled a Council motion to not undertake any allocation discussions until the SSC has reviewed the updated MRIP-FES pilot study results and effects on landings estimates are evaluated and deemed consistent with the best scientific information available. NOAA GC clarified that because the SSC recommended lower ABCs for two shallow-water grouper (SWG) stocks considered in the amendment, and one deep-water grouper (DWG) stock is undergoing overfishing, the Council has a statutory mandate to act.

Dr. Jim Nance (SSC Chair) informed the Committee about the SSC's discussions on black grouper and yellowfin grouper, and the SSC's catch limit recommendations for those species. Staff noted that because black grouper is a regional stock managed with the South Atlantic Fishery Management Council (South Atlantic Council), the SSC's catch limit recommendations for these two species cannot be used, and the current catch limits for black grouper and yellowfin

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grouper will need to be maintained. Until the Gulf and South Atlantic Councils re-evaluate the black grouper stock collectively, that species' catch limit and allocations must remain the same.

At the March 2023 SSC meeting, the SSC made OFL and ABC recommendations for scamp and yellowmouth grouper, separate from black grouper and yellowfin grouper. The four shallow-water grouper (SWG) complex species are currently managed under a single ACL, with a commercial ACL and ACT specified to allow for the functioning of the SWG component of the commercial Grouper-Tilefish IFQ program. Because OFL and ABC were specified explicitly for scamp and yellowmouth grouper, these species can no longer be managed under a single complex with one quota because of the possibility of overfishing occurring on scamp and yellowmouth grouper. Council staff presented revised options for the Committee to consider regarding specifying status determination criteria, SWG complex structure, catch limits, AMs, and IFQ share allocation.

A Committee member asked which of the SWG species is undergoing overfishing. None of the stocks within the SWG complex are currently undergoing overfishing. However, the proposed catch limits are less than half of the recent average landings, thus not reducing the scamp and yellowmouth grouper catch limits is likely to result in overfishing of those species. Another Committee member asked for clarification about whether the Council could select either 30% or 40% SPR as the proxy for the fishing mortality at maximum sustainable yield (F_{MSY}) for scamp and yellowmouth grouper. Staff asserted that the Council determines the F_{MSY} proxy; however, the SSC supported a more conservative approach ($F_{40\%SPR}$, versus $F_{30\%SPR}$) based on life history characteristics and contemporary research. The Southeast Fisheries Science Center (SEFSC) added that the Council would have to make a case if it selected an F_{MSY} proxy that did not align with its own SSC's recommendation.

A Committee member inquired what the sector allocation percentages would be, if using the MRIP-FES conversion factor. Another Committee member stated that there is not a common data unit for the species in the complex; scamp and yellowmouth grouper are in MRIP-FES, whereas black grouper and yellowfin grouper are in Marine Recreational Fisheries Statistics Survey (MRFSS) data units. Because the complex is being divided, comparisons of data unit differences is problematic.

Ms. Jessica McCawley (South Atlantic Council liaison) asked about the jurisdictional apportionment of the black grouper ACL between the Councils, and was told it is 47% to the South Atlantic and 53% to the Gulf. Ms. McCawley then asked if addressing black grouper would need to be a joint amendment with the South Atlantic Council. Staff replied that ideally the Gulf Council would stay within its jurisdictional appointment, and in MRFSS data units, negating a need to involve the South Atlantic Council. A Committee member stated that one approach to allocation could be for the Gulf Council to select the time series to inform the sector allocation while NOAA OST works on the MRIP-FES pilot study, and NMFS could implement the sector percentages based on the years pre-selected by the Gulf Council. They added that work on this amendment was expected to last into 2025, given the complexity of the actions.

A Committee member asked, and Dr. Jessica Stephen (SERO) affirmed, that a fisherman could land speckled hind or warsaw grouper under their SWG quota, so long as their DWG quota was

exhausted. Another Committee member stated that catch limit reductions should be shared across sectors, while not penalizing sectors that have been good stewards. Council staff replied that proportional reductions could be examined along with the discussion about sector allocation. A Committee member asked if SERO could provide additional quantitative information regarding flexibility considerations that involve SWG and DWG, which Dr. Stephen said could be provided by Full Council. Council staff said that public testimony on the flexibility considerations would be helpful in knowing whether SWG and DWG could be approached in two separate amendments. Lastly, another Committee member stated that there may be recreational AMs that the Council might want to consider.

Review: February 2023 Gulf SSC Meeting Summary (Tab B, No. 8)

SEDAR 85 – Gulf Yellowedge Grouper

Dr. Nance reviewed the SEDAR 85 stock assessment of yellowedge grouper, which is a component of the DWG complex with snowy grouper, warsaw grouper, and speckled hind. The model has a terminal year of 2021, and models the stock in two components bisected by the Mississippi River. Half of female yellowedge grouper reach sexual maturity by 9 years old (a year after they start being selected by the fishery), can live to 85 years in age, and begin transitioning to male at about 40 years old. Recreational landings account for less than 2% of total removals. The SSC discussed challenges in recruitment modeling, which has been low since 2005. With no good fishery-independent index, recruitment is uncertain. Any strong recruitment after 2012 is not included in modeled landings.

The SSC recommended revising the F_{MSY} proxy to $F_{40\%SPR}$, provided advice to the data analysts about which recruitment years to inform the projection analysis, and set the OFL (487,000 lb gw) and ABC (372,000 lb gw). MRIP-FES data had a negligible effect on the catch limits. The SSC also reviewed and revised the OFL (244,035 lb gw) and ABC (183,026 lb gw) for the three remaining DWG species, separate from the yellowedge grouper catch limits, using Tier 3b of the ABC Control Rule and in MRIP-FES data units. The SSC further stated that the four DWG species could continue to be managed together under a combined catch limit: OFL (731,035 lb gw) and ABC (555,026 lb gw). A Committee member asked whether yellowedge grouper needed to be managed separately to prevent overfishing. Council staff replied that it may be necessary, but the SSC did not yet specifically address that. The Committee thought staff should explore this possibility considerate of the difference between the OFL and ABC, and noted the recent decline in DWG landings.

The Committee recommends, and I so move, that the Council recognizes the results of the SEDAR 85 stock assessment and the SSC’s recommendations for catch limits for the deep-water grouper complex, and requests staff to begin development of a document to modify the deep-water grouper catch limits accordingly.

Motion carried without opposition.

SEDAR 74 – Gulf Red Snapper Research Track

The SSC evaluated the peer-review of the SEDAR 74 research track for Gulf red snapper and provided recommendations for consideration for the next benchmark assessment, which is to start at the end of 2024. The independent peer-review did not recommend the SEDAR 74 model for further development and recommended another peer-review of the next planned assessment for red snapper (SEDAR 97). For stock structure, the SSC disagreed with the peer-review, and supported continued exploration of the 3-region model, which was a consensus decision from the SEDAR 74 stock identification effort. Despite data limitations in the eastern Gulf and noting that several indices require “mirroring” (averaging the selectivity across the eastern and central regions and then using the subsequent value for both regions), the SSC thought the 3-region model was still a better representation of the Gulf red snapper population.

A Committee member acknowledged that there was mirroring even under the 2-region model; thus, under the 3-region model, the Committee member thought the uncertainty resulting from the additional mirroring therein would be greater than under the 2-region model. Dr. Nance thought that there was utility in using the 3-region approach because it helps to demonstrate differences between the regions more explicitly. Essentially, the selectivity ultimately used is applied to the resident age and length composition in that region, and the resulting predicted harvest and biomass values are estimated. Regardless, the Committee acknowledged that both the 2-region and 3-region models are combined to a Gulf-wide estimate, which can then be used for management. Presently, the granularity of multi-region modeling does not play into other management decisions like sector allocations.

The SSC thought the next assessment’s terms of reference need to balance prescription with flexibility, and that topical working groups should include recreational data and how to address extraneous survey data, like that from the Great Red Snapper Count (GRSC). Direct participation from regional GRSC principal investigators is critical to considering those data.

A Committee member recounted the original disagreement amongst the stock identification panel for SEDAR 74 around whether to use a 2-region or 3-region approach. They thought it would be challenging to say that anyone could be more confident in an approach requiring more estimation (i.e., the 3-region model versus the 2-region model). Another Committee member asked with whom the decision rests to decide whether to use the 2- or 3-region model. Council staff clarified that the Council’s standard operating procedures related to SEDAR approvals state that the Council Chair and Executive Director, on behalf of the Council and based on its intent, approve the terms of reference and other SEDAR materials. So, if the Council requested that red snapper be assessed using a 2-region model approach, that request would be put into the final terms of reference for the next stock assessment. Council staff added that an SSC review of the proposed terms of reference for that next red snapper assessment would be held in May 2024. The Committee was mixed on whether to use a 2- or 3-region approach.

Economic Performance of Gulf and South Atlantic Fisheries

The SSC received a presentation from the SEFSC comparing the economic performances of the Gulf reef fish and South Atlantic snapper grouper fisheries, and provided a financial overview of

those fisheries since 2014. This overview compared measurables between the regions and found that catch share management in Gulf resulted in higher economic output compared to the South Atlantic, after factoring in differences such as catch magnitude. For the IFQ program, quota was identified as the limiting factor in revenue generation, as opposed to the number of vessels. Economic indicators from the IFQ program could potentially be used as a stock health indicator.

2024 Red Grouper Interim Analysis

The SSC received a presentation on the 2024 Gulf red grouper interim analysis (without catch advice). Generally, the NMFS Bottom Longline Survey (selects for spawning stock biomass) is stable, and the SEAMAP Summer Groundfish Trawl (tracks age-1 and -2 fish) has shown an increase, which aligns with the recent pulse in the fishery observed by the fleets.

Presentation on Reef Fish Amendment 60: Individual Fishing Quota Programmatic Distributional Issues (Tab B, No. 9)

Dr. Stephen gave a presentation on Reef Fish Amendment 60, which considers alternative approaches to equitably distributing shares and annual allocations in the IFQ programs. Dr. Stephen defined equity and discussed its distributional, procedural, recognition, and contextual dimensions. She discussed the Gini coefficient, which is a metric used to evaluate economic inequality in a population and income or wealth distribution. Gulf commercial fisheries were highly unequal prior to the IFQ programs. The red snapper and grouper-tilefish IFQ programs have had little influence on reducing Gini coefficients over time.

IFQ shares and allocation to be distributed could include shares currently held by NMFS, shares associated with inactive accounts, shares and allocation recovered from divestment by shareholders who do not meet requirements that may be set in Reef Fish Amendment 59, and annual allocation from future quota increases. Recurring redistribution could occur for shares from inactive accounts, and from accounts not meeting requirements to be set in Amendment 59. Dr. Stephen indicated that NMFS must be informed of the death of a shareholder, but the agency is often not informed until annual permit renewal or bi-annual citizenship renewal is due. Management actions addressing shares previously held by deceased shareholders must consider the type of entity holding the shares, e.g., the shareholder is the sole account holder, member of partnership, shareholder in a business, or the shares are held by a trust.

Dr. Stephen provided a set of questions to support Committee deliberations:

- What is the Council trying to achieve with the motion to initiate Reef Fish Amendment 60?
- What sources of privileges are appropriate for distribution?
- Who is the Council trying to assist with equitable distribution?
- Which methods of distribution will best suit the intended stakeholders?

She discussed potential options for each question and noted that the Council should consider interactions between management actions in Amendment 60 and other IFQ amendments (e.g., Amendment 59).

Dr. Stephen clarified for the Committee that different accounts become inactive over time. The Committee asked about changes in the pounds of quota in inactive accounts, which Dr. Stephen said will fluctuate when quotas change. Dr. Stephen will provide information about accounts without any shares later. Committee members noted that the Council should describe its vision for the IFQ programs and will need to discuss and define terms such as “replacement fishermen.” The Committee suggested that time could be set aside to further discuss the amendment during the June 2024 Council meeting.

A Committee member noted the Committee’s intent is not to take away shares from active participants in the IFQ programs, but rather to determine distribution methods for reclaimed shares, shares held by NMFS, and annual allocation from future quota increases. The Committee will need to identify the universe of beneficiaries. SERO indicated that the South Atlantic Council used a sub-committee to address issues relative to the wreckfish IFQ program and suggested that the Gulf Council could consider a similar approach. Further discussion of Amendment 60 during Full Council could consider distribution options.

Other Business

Reef Fish Amendment 53

A Committee member discussed the legal proceedings regarding the Reef Fish Amendment 53, and the three aspects of that final rule which were remanded to NMFS for further clarification. The Committee member stated that the Council should consider revisiting Amendment 53, in preparation for the court decisions and the results of the next red grouper assessment (SEDAR 88) stock assessment. NOAA GC replied that there is nothing specifically to fix in Amendment 53 based on the court decision; rather, NMFS needs to further clarify or support certain decisions related to approval of the amendment and promulgation of the final rule. Staff added that, without the results of the red grouper stock assessment and the SSC’s review of that assessment, they lacked the data necessary to frame out the actions to be taken in the document.

Mr. Chair, this concludes my report.