

Reef Fish Committee Report August 15, 2023 Dr. Thomas Frazer – Chair

The Committee adopted the agenda (**Tab B, No. 1**). The minutes (**Tab B, No. 2**) from the June 2023 meeting were approved as written.

Discussion: Gag and Black Grouper Management Alternatives (Tab B, No. 4)

Council staff presented the options requested by the Council, including a recreational bag and vessel limit and modifications to spatial area management, as well as consideration of commercial spawning season closures. A Committee member did not support including black grouper in the document with gag, based on discussions with fishermen. Another Committee member agreed, and did not think that a species misidentification issue existed. A Committee member countered that a species misidentification issue persists in the Florida Keys, and asked that black grouper data be analyzed. Council staff suggested exploring commercial trip ticket information for Monroe County, Florida, to discern the proportion of commercial landings attributable to the Gulf versus the South Atlantic, and to examine recreational vessel landings of black grouper. The Committee member also asked about considering recreational landings data; however, recreational data for the State of Florida's State Reef Fish Survey (SRFS) are collected in 5 zones, with Monroe County being a single zone; thus, it will not be possible to compartmentalize those recreational data by Council jurisdictional zone. Council staff asked the Committee about its priorities for gag and black grouper to inform SSC discussions in September. Priorities were as follows:

What to do about gag grouper?

- Reduce fishing mortality on male gag
- Constrain future harvests to the ACL
- Increase the probability of rebuilding the stock
- Avoid increasing discards
- Reduce vulnerability of gag during spawning to increase spawning success

What to do about black grouper?

- Alleviate misidentification issues

A Committee member asked about the stock condition for black grouper. Council staff replied that no data for black grouper were presently available beyond landings, and no concerning trend in abundance had been reported to the Council by the public to date. The Committee member reiterated a view that it is not necessary to consider black grouper measures alongside those for gag.

Regarding modifying the recreational bag limit, initial analyses indicate that because most recreational anglers (>90%) do not retain more than one gag per person, reducing the recreational bag limit from two fish to one fish per day is not anticipated to have any

effect on extending the recreational fishing season duration. Further, because the recreational fishing season for black grouper is currently open year-round, decreasing the recreational bag limit for black grouper is expected to have no effect on the recreational fishing season duration for black grouper.

The Committee recommends, and I so **move, to remove consideration of the recreational bag limit for gag.**

Motion carried without opposition.

The Committee recommends, and I so **move, to remove consideration of the recreational bag limit for black grouper.**

Motion carried without opposition.

Likewise, preliminary analyses indicate that over 80% of recreational gag fishing trips, excluding headboats, land 4 gag or fewer per trip. Thus, creating a recreational vessel limit of 4 fish or greater is not expected to have an effect on extending the recreational fishing season duration. Council staff and Committee members discussed how a recreational vessel limit would be unlikely to increase the recreational fishing season duration unless that vessel limit was very restrictive (e.g., 2 or 3 fish per vessel); and, how more restrictive recreational retention limits might increase discards. A Committee member noted that it is presently unknown the degree to which discards would change with the proposed revision to the recreational fishing season start date (September 1). The Committee member added that they would like to see what the effect would be on the recreational fishing season duration with a 2, 3, or 4 fish per vessel recreational limit. Council staff will conduct those analyses and report back to the Council at a subsequent meeting.

Council staff reviewed spatial closure options. A Committee member recalled that when The Edges was created as a spawning seasonal closure in Amendment 30B, it was specifically to protect male gag. They noted that recent Florida Fish and Wildlife Research Institute research indicated that the seasonal spawning closure for The Edges was estimated to have had no effect on the proportion of males present in that area. The Committee member did not think spatial closures would be as effective as expected for rebuilding the gag population. Another Committee member disagreed, and recalled their personal experience of the abundances of various species including gag within closed areas when participating in cooperative research projects. The Committee member thought discussion of spatial areas should continue, and decisions be contingent on the data available. A Committee member also recalled recent research, and noted that fishermen had reported a higher proportion of males being observed on deeper water catches. Another Committee member acknowledged the contentious nature of spatial closures, but added that the data show a higher percentage of male gag in some closed areas (e.g., Madison-Swanson) versus open areas. Due to the volumes of data needing analysis for a thorough evaluation of spatial area closures, Council staff recommended breaking that proposed action out into a separate document.

The Committee recommends, and I so **move, to separate spatial area closures into a separate document.**

Motion carried without opposition.

Discussion: Shallow-water Grouper (SWG) Complex Management (Tab B, No. 5)

Council staff presented draft options for Amendment 58, including specifying status determination criteria, SWG complex structure, catch limits, accountability measures (AMs), and IFQ share allocation. Staff provided background information on the SWG complex and discussed SSC motions relative to the stock assessment for scamp and yellowmouth grouper (SEDAR 68). A Committee member inquired if the maximum sustainable yield (MSY) proxy for the potential sub-complex for scamp and yellowmouth grouper would have to be set at $F_{40\%SPR}$. Council staff replied that, while it was included in the SSC's recommendation, it was still the Council's prerogative to determine what the MSY proxy should be.

Council staff reviewed the landings, which show a shift to mostly recreational landings in recent years. A Committee member asked for tables comparing the landings from the directed fleets for these four grouper species. Another Committee member recalled the expected effects of modifications to the SWG complex structure and catch limits on the IFQ program, and that those effects are expected to be considerable. A Committee member added that the utilization of the ACL by the sectors should also be considered when discussing options for allocation decisions.

NOAA General Counsel disagreed that the SWG complex could not be kept together as-is, because adding the catch limits together is what was done in the Generic ACL/AM Amendment. Council staff replied that most landings for SWG are scamp, and the proposed catch limits for scamp and yellowmouth grouper are greatly reduced relative to the current landings. Thus, combining the catch limits for scamp and yellowmouth grouper, and black and yellowfin grouper, is anticipated to result in overfishing of scamp and yellowmouth grouper. Regarding modifications to accountability measures, NOAA General Counsel noted the performance standards in the Magnuson-Stevens Fishery Conservation and Management Act and suggested that those be considered in the next iteration of the document.

A Committee member stated that approximately 70% of the commercial SWG quota was unharvested annually during each of the last 5 years. The Committee suggested that a practical next step would be to develop specific options for splitting or maintaining the current SWG complex and for subsequent actions in the amendment. These options would be brought to the Committee for consideration at a future Council meeting.

Draft Framework Action: Modifications to Recreational and Commercial Greater Amberjack Management Measures (Tab B, No. 6)

Council staff reviewed modifications to recreational (fixed closed seasons) and commercial management measures (trip limits) for greater amberjack. Both Actions 1 and 2 have been updated based on changes requested by the Council in June 2023. Analyses used to inform

Action 2 (commercial trip limit) were also presented. These measures are being considered to facilitate access to the stock while the stock rebuilds, which it is expected to do by 2027. A Committee member asked if any consideration for effort shifting had been incorporated into the recreational season duration analysis. Council staff replied that a scalar could be applied to account for changes in fishing behavior, but that result would be highly uncertain. Southeast Regional Office staff added that effort shifting was encapsulated in the presented season duration analysis since each alternative resulted in so few available fishing days. A Committee member asked Dr. Evan Howell (NOAA Office of Science and Technology) if the upcoming studies on the Marine Recreational Information Program’s Fishing Effort Survey (MRIP-FES) would address any challenges associated with in-season monitoring when fishing seasons are less than a few months. Dr. Howell replied he would have to investigate that possibility.

For Action 2, several Committee members suggested waiting until after the public comment period to select a preferred alternative. Other members advised that selecting a preferred alternative can help the public frame their testimony when commenting on the action.

The Committee recommends, and I so **move, in Action 2, to make Alternative 4 the preferred.**

Alternative 4: Limit of 5 fish (~ 150 lbs gw [155 lbs ww]).

Motion carried 9 – 7, with 1 abstention.

Draft Snapper Grouper Amendment 44 / Reef Fish Amendment 55: Catch Level Adjustments & Allocations for Southeastern US Yellowtail Snapper (Tab B, No. 7)

Council staff reviewed the proposed management alternatives for Snapper Grouper Amendment 44 / Reef Fish Amendment 55, which evaluates modifications to Southeastern U.S. yellowtail snapper management. Staff updated the Committee on changes made to the alternatives as a result of previous discussions on possible data discrepancies. Although there are still some concerns regarding potential data errors, Council staff explained that the commercial data issue resulting from a coding error in the Dry Tortugas did not affect the current jurisdictional allocation. South Atlantic Council staff further explained that the 2008 data issue only affected a portion of 2008. However, those data from 2008 were used to calculate the current jurisdictional allocation using the South Atlantic Council’s “bowtie” method. Council staff reviewed the changes made to the amendment since the June 2023 meeting. A Committee member asked if either Alternative 4 or 5 could be removed from the document to streamline it. They suggested retaining Alternative 4 as it uses a more current time series.

The Committee recommends, and I so **move, in Action 1, to suggest the SAFMC move Alternative 5 to Considered but Rejected.**

Alternative 5. Update the yellowtail snapper stock overfishing limit and stock acceptable biological catch based on the results of the 2022 SEDAR 64 Interim Analysis and the Scientific and Statistical Committees’ recommendations. Allocate 84% of the updated stock acceptable biological

catch to the South Atlantic and 16% to the Gulf of Mexico based on 50% of the average landings from 1993-2008, plus 50% of the average landings from 2006-2008 using recreational landings from the Marine Recreational Information Program's Fishing Effort Survey.

Motion carried 13 – 1, with 3 abstentions.

Regarding Action 2, a Committee member suggested that there may need to be another alternative that ensures that landings estimates do not approach the overfishing limit, and better account for scientific uncertainty. Another Committee member suggested providing Council staff the leeway to explore the addition of another alternative that addresses this concern. Also, in light of the discussion on MRIP-FES on Monday, concern was expressed by Committee members that more work may be necessary if any decisions made on this amendment and the jurisdictional allocation have to be revised due to future changes made to MRIP-FES.

Status Update on the Anticipated Endangered Species Act Proposed Rules and Section 7 Related Updates (Tab B, No. 8)

Ms. Jennifer Lee (Southeast Regional Office [SERO]) reviewed a NOAA Fisheries proposed rule to designate critical habitat for six green sea turtle distinct population segments (DPSs) listed as threatened or endangered under the Endangered Species Act (ESA), including the DPS that occurs within waters managed by the Council. Critical habitat designations do not typically directly affect people engaged in recreational activities, such as recreational boating and fishing. Public comments will be accepted until October 17, 2023; if deemed necessary, NOAA Fisheries can extend the comment period for an additional year to collect more information.

The ESA requires the NOAA Fisheries to designate critical habitat to the maximum extent prudent and determinable. In 2016, NOAA Fisheries listed DPSs of green sea turtles, which triggered the requirement to also designate critical habitat. This critical habitat designation will aid the recovery of green sea turtles by protecting access to nesting beaches and use of reproductive areas, migratory corridors, and feeding and resting areas.

Ms. Lee also reviewed the final critical habitat designation for five Caribbean coral species. One critical habitat unit was designated for each species based on depth distribution in each geographic area in which it occurs, with some overlap between areas. Reinitiation of the ESA Section 7 consultation on the authorization of the Gulf reef fish fishery managed under the Reef Fish FMP is currently underway. SERO is also informally “conferencing” with its Protected Resources Division on reef fish and other federal fisheries that may affect proposed critical habitat for Rice’s whale and green sea turtle North Atlantic DPS.

A Committee member asked about the designation of critical habitat for *Sargassum*, and the effect on its harvest. Ms. Lee replied that consultation would be necessary to know for sure, adding that the degree of adverse effects would need to be investigated. Council staff asked about the origin of the data used to revise the critical habitat area for acroporid corals in the Florida Keys. NOAA General Counsel recalled that the acroporid coral information had not

changed and the expanded area for the five ESA corals (non-acroporid) was informed by public comments from the Florida Keys National Marine Sanctuary process.

Status and Timeline Update for Revised IFQ Goals and Objectives (Tab B, No. 9)

Council staff reviewed the development of an amendment to address the Red Snapper and Grouper-Tilefish IFQ programs’ goals and objectives adopted by the Council in June 2023. The interdisciplinary planning team (IPT) has begun work on this effort, focusing first on the first goal of improving opportunities for participants to enter the programs. Further, the terminal year of data to be considered will be 2022. Staff also noted that the 2022 Red Snapper and Grouper-Tilefish IFQ Program reports are now available. The IPT will discuss available data, analyses, and progress towards developing management measures for addressing the Council’s goals and objectives at the October 2023 Council meeting. SERO staff stated it would provide a primer for the IFQ programs, if so requested by the Council. SERO added that it has begun receiving feedback from the IFQ focus groups. A Committee member expressed concern about the seeming lack of progress on this agenda item. Council staff reminded the Committee that, as discussed in June 2023, the plan is to discuss this agenda item in October 2023.

Status Update on Recreational Initiative (Tab B, No. 10)

Mr. Andy Strelcheck (SERO Regional Administrator) reviewed progress on the Council’s motion for several recreational fisheries management initiatives. The goal of this initiative is to evaluate the efficacy of current federal recreational reef fish management and develop future management approaches and guidance intended to prevent overfishing, address discards and/or discard mortality, account for uncertainty in recreational data, and provide for innovative new management approaches to regulate federally managed recreational fisheries. Mr. Strelcheck noted that a steering committee has been proposed after consulting with the recreational industry to help guide this effort. Council staff suggested bringing on a consultant to assist staff and the Council with this effort. The Committee recognized the considerable body of work that the recreational initiative is expected to involve, and thought evaluating the Council’s priorities to make more time available for this work to proceed more expeditiously may be warranted.

The Committee recommends, and I so move, to direct Council staff to work with NMFS to develop an outline, estimated schedule and deliverables for pursuing the recreational initiative for discussion at the October 2023 Council meeting. The proposal should consider a budget for hiring a consultant to facilitate the initiative, proposed activities, a strategy for involving stakeholders, the expected number of meetings, and participants to accomplish identified goals.

Motion carried without opposition.

Other Business

No other business was brought before the Committee.

This concludes my report.