



Gulf Grouper
Regulations for State Waters
 Final Public Hearing
Update 1: June 12, 2009
Florida Fish and Wildlife Conservation Commission
 Division of Marine Fisheries Management



Update 1: This report has been updated to indicate where a floor amendment is needed to clarify how Monroe County will be affected by these proposed rule amendments. Slides 3 and 7 have been modified.

At the April 2009 Commission meeting, staff was directed to proceed to a final public hearing with proposed rules that would align state regulations for grouper in the Gulf of Mexico with recent rule changes in Gulf federal waters. Federal rules were implemented to address overfishing of gag grouper and to allow increased harvest of red grouper. Interim regulations are already in effect in state and federal waters addressing some of the management actions. The complete set of permanent federal regulations became effective on May 18, 2009, and these proposed rules for state waters would provide mostly consistent regulations for all waters of the Gulf of Mexico off of Florida.

By approving these draft rules in April, the Commission laid a foundation to adopt consistent regulations between state and federal waters for Gulf grouper regulations. The intent of FWC action was to contribute to a reduction of fishing pressure on gag grouper and allow Gulf populations of that species to increase to a level where they may sustain a larger annual harvest over the long term. In addition, at the April meeting, the Commission also voted to go above and beyond consistent regulations and proposed an additional spawning season closure for the commercial fishery that would match a proposed recreational closure for state waters.

Author: William Teehan, Aaron Podey, Mark Robson, and Jessica McCawley

Why Adopt Consistent Regulations?

- Staff proposes adopting consistent regulations in state waters to aid in ending the overfishing condition for gag
- Though much of the fishery is in federal waters there is gag harvest that occurs in state waters off Florida
- Adopting consistent limits in state waters could avoid the possibility of more restrictive regulations in federal waters later



Adopting consistent regulations in state waters will aid in ending the overfishing condition for gag grouper. It is this excessive fishing pressure that led to the implementation of restrictions in federal waters. Though much of the fishery is in federal waters there is gag harvest that occurs in state waters off of Florida. Implementing restrictions in state waters will contribute to the overall rebuilding strategy in the Gulf of Mexico and hopefully avoid the possibility of even more restrictive regulations being implemented in federal waters if Florida is inconsistent.

Proposed State Recreational Rules

[68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption](#)

- Decrease the recreational aggregate grouper bag limit from five to four fish per person per day

[68B-14.0039 Recreational Grouper Season](#)

- Establish a recreational closed harvesting season for all shallow water grouper from Feb 1 through Mar 31 *

* Floor amendment needed to exclude Monroe county from Gulf



Rule 68B-14.0036, Florida Administrative Code (FAC), would decrease the recreational aggregate bag limit for grouper from five to four fish per person per day.

Rule 68B-14.0039, F.A.C., would establish a recreational closed harvesting season in Gulf state waters of February 1 through March 31 for all shallow water grouper (black, gag, red, yellowfin, scamp, yellowmouth, rock hind, red hind). The intent of this broader closure is to limit the unintended catch (and possible release mortality) of gag grouper by closing harvest to all similar shallow-water grouper species during the spawning season. A floor amendment is needed here to exclude Monroe county from the Gulf.

Commission Direction to Staff

- Include commercial harvest in two-month closed season
 - Commercial and Recreational harvest prohibited Feb 1 – March 31
 - Transit provision added



At the draft rule discussion in April, the Commission directed that the proposed two-month recreational closed season for shallow-water groupers in state waters be expanded to include prohibiting commercial harvest as well. Because there is no commercial closed season for that two-month period in federal waters, we are including language in the proposed rules that would allow transit through state waters during the closed season with fish legally harvested commercially in federal waters.

The following two slides summarize the proposed rule changes for commercial harvest.

Proposed State Commercial Rules

68B-14.0045, Commercial Harvest Requirements; Season Closures, Bag and Trip Limits

- Amend the commercial closure of February 15 - March 15 for gag, red, and black grouper to February 1 - March 31 and include all shallow water groupers

68B-14.0046, Transit Through State Waters During Closed Season

- Create a provision to allow transit through state waters of the Gulf of Mexico of legally harvested fish from federal waters while commercial harvest is closed in state waters



Rule 68B-14.0045, F.A.C., would expand the commercial closed season in Gulf state waters from February 15 through March 15 for gag, black and red grouper to February 1 through March 31 and it would include all shallow water grouper in the closure (black, gag, red, yellowfin, scamp, yellowmouth, rock hind, red hind). This commercial closure would not be consistent with the federal commercial regulations. However it would provide a uniform closed season for all harvest in state waters consistent with Commission direction. Adding species to the harvest prohibition during the closed season will limit the unintended catch (and possible release mortality) of gag grouper by closing harvest to all similar shallow-water grouper species.

Rule 68B-14.0046, F.A.C., would create a provision to allow transit of fish legally harvested commercially from federal waters through state waters of the Gulf of Mexico while commercial harvest is closed in state waters (February 1 - March 31). The proposed rule requires storage of gear while transiting through state waters.

Proposed State Commercial Rules

[68B-14.0035, Size Limits: Amberjack, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Snapper, Snapper](#)

- Reduce the commercial size limit for red grouper in the Gulf from 20 inches to 18 inches total length

[68B-14.00355, Size Limits for Importation and Sale](#)

- Reduce the size limit for the importation and sale of red grouper from 20 inches to 18 inches total length



Rule 68B-14.0035, F.A.C., would reduce the commercial minimum size limit in state waters of the Gulf from 20 inches to 18 inches total length. This action supports the lower limit in federal waters. It is being implemented to allow harvest of marketable fish and lower the amount of discards in the 18-19 inch range. It does not increase the total allowable catch, or quota, in the commercial fishery. It does reduce discard waste in the commercial fishery.

Rule 68B-14.00355, F.A.C., would reduce the minimum size limit for the statewide importation and sale of red grouper from 20 inches to 18 inches total length.

Staff Recommendation:

- Staff recommends approving these rule amendments for Gulf grouper as advertised **and approve floor amendment** and make the rules effective as soon as possible



To date the Commission has supported efforts to reduce commercial and recreational harvest of gag grouper, a new system of individual fishing quotas, and increased harvest of red grouper. By implementing these additional regulations in state waters, Florida will significantly add to the Gulf-wide management effort to improve grouper stocks for the long term. Staff recommends approving these rule amendments for Gulf grouper as advertised and approving the floor amendment and making the rules effective as soon as possible. Staff has evaluated the rules under the standards of 68-1.004, F.A.C. and found them to be in compliance.

The following slides are considered
back up material and are not
anticipated to be a part of the actual
presentation to the Commission.



Federal Rules Implemented:

- 1) Comply with federal law – end “overfishing” of gag grouper
- 2) Allow increased harvest of red grouper in response to improved status
- 3) Incorporate all shallow-water grouper species in restrictions, because fishing for them affects discard mortality of gag grouper
- 4) Apply restrictions to both commercial and recreational sectors, but using different regulatory approaches



Federal permanent rules for Gulf grouper were implemented to comply with legal requirements to end “overfishing” of gag grouper. Federal law requires the Council to develop regulations that will reduce fishing pressure within one year when a federal stock assessment indicates that overfishing is occurring. The measures being implemented rely on similar restrictions in state waters to achieve the recovery because harvest of gag grouper in state waters is important.

The federal package of rules actually allows for some increased harvest of red grouper in response to its improved status. Mainly by increasing the recreational bag limit from one to two fish and increasing the commercial quota, this demonstrates the ability to allow more liberal harvest as the overall condition of the stock improves.

The federal action incorporates all shallow-water grouper species because fishing for them affects discard/release mortality of gag grouper.

The harvest restrictions affect both commercial and recreational sectors, but different regulatory approaches have been taken that work best for each sector.

Current State Consistency Rules Adopted in December 2008

Consistency with Federal Interim Rule:

- Two-fish gag grouper recreational bag limit within the current five-fish aggregate bag
- Recreational season closure during Feb 1 – Mar 31 (for gag grouper only)

Also adopted:

- Two-fish red grouper bag limit within the current five-fish aggregate bag



Note: Actions by FWC in December implemented interim rules that will remain in effect and continue to be consistent with permanent federal regulations.

In December 2008, the Commission adopted two rules in **state** waters of the Gulf of Mexico that were consistent with the federal interim actions:

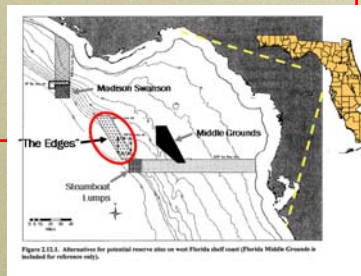
- Decreased the recreational bag limit for gag grouper from five to two within the aggregate shallow water grouper bag limit
- Recreational season closure during February 1 – March 31 for gag grouper.

The Commission adopted one additional rule that was **not** consistent with interim rules in federal waters of the Gulf; however, this rule will be in effect as a part of the permanent federal rule:

- Increase the recreational bag limit for red grouper in state waters from one to two fish within the aggregate shallow water grouper bag limit.

New Permanent Federal Regulations – Commercial 41-42% gag reduction

- 1) Decrease quota for gag grouper
- 2) Increase quota for red grouper
- 3) Mechanism for in-season closures
- 4) Red grouper minimum size decrease from 20 to 18 inches
- 5) Current closed season replaced with 4-month closed area along 40 fathom line
- 6) Federal permit holders have to abide by more restrictive regulations



Permanent federal regulations are now in effect. For commercial fishing the new restrictions are designed to achieve a gag grouper harvest reduction of approximately 41-42% based upon updated baseline landings. These regulations will decrease the commercial quota for gag while increasing the red grouper quota. Importantly they provide a mechanism to close fishing in-season when quotas are met. The red grouper minimum size will be decreased from 20 to 18 inches to reduce the amount of discard mortality in the commercial sector; and more of the red grouper that are caught in deep water can be retained and sold instead of being thrown back as undersized fish. The current closed season will be replaced by a 4-month area closure called “The Edges” along the 40 fathom line off Florida. Although this area closure will apply to both the recreational and commercial sector, it will more likely affect the commercial sector since these deeper waters are more frequently targeted by commercial fishers. Federal commercial permit holders will have to abide by the more restrictive federal regulations when fishing in state waters if the state waters regulations are more lenient.

New Permanent Federal Regulations – Recreational 26% gag reduction

- 26% reduction based on assumed decrease in recreational effort

- 1) Aggregate bag limit reduced from five to four grouper per person
- 2) Reduce gag grouper bag limit from five to two fish
- 3) Increase red grouper bag from one to two fish
- 4) Closure Feb. 1 through March 31 – Spawning season
- 5) Four month closed area along 40 fathom line
- 6) Accountability for harvest over-runs
- 7) Federal for-hire permit holders have to abide by more restrictive regulations



Permanent federal regulations are now in effect. Effort in the recreational sector is managed by bag and season. The Council considered effort reduction in the recreational gag grouper fishery due to rising fuel prices and the economic downturn. These factors were taken into account when determining management alternatives. The Florida representatives were concerned about the bag limits and potential length of closures that were being proposed, and therefore proposed a decrease in the harvest reduction target to around 26% based upon the assumption of a decrease in effort. This assumed decrease in effort allowed for a more liberal bag limit and a decrease in the closed season from four months to two months. The aggregate grouper bag limit for all shallow water groupers (red, black, yellowfin, yellowmouth, rock hind, red hind, and scamp) has been reduced from five to four grouper. The gag grouper bag limit has been reduced from five to two fish within the aggregate grouper bag limit. The red grouper bag limit has been increased from one to two fish within the aggregate grouper bag limit. A closure is being implemented for recreational harvest of shallow water groupers from February 1 through March 31 to reduce pressure on fish during the spawning season. A four-month area closure called “The Edges” along the 40 fathom line off Florida would also be implemented. Although this area closure will apply to both the recreational and commercial sector, it will more likely affect the commercial sector since these deeper waters are more frequently targeted by commercial fishers. Unlike the commercial fishery, adjustments to harvest over-runs in the recreational sector will only apply to future seasons. Monitoring of recreational catch does not allow the level of close control that exists in the commercial fishery. All for-hire permit holders will have to abide by the more restrictive regulations when fishing in state waters if the state waters regulations are more lenient.