



UF/IFAS Thomas Wright



## South Atlantic Council Consistency Draft Rules for Shallow-water Grouper Report Date: August 12, 2009

**Florida Fish and Wildlife Conservation Commission**  
Division of Marine Fisheries Management

NOAA Fisheries Service (formerly known as the National Marine Fisheries Service or NMFS) has implemented federal regulations, effective July 29, 2009, that significantly reduce commercial and recreational fishing for gag, red, and black grouper. These regulations were implemented to end overfishing of gag grouper subsequent to a stock assessment completed in 2007. Red and black grouper are considered undergoing overfishing based on earlier assessments. An updated assessment for red and black grouper is expected to be completed in early 2010. Other species of shallow-water grouper were included to reduce the incidental catch and discard mortality of gag, red and black grouper. This presentation is a review of potential draft rules for consistent regulations for shallow-water grouper in Florida state waters of the Atlantic.

Author: Mark Robson

## New Federal Rules for Groupers



### Reduced Commercial Harvest

- New quota about 35% less than historical landings
- Expands spawning season closure
  - Previously March and April for black and gag
  - Now January through April for all shallow water grouper

### Reduced Recreational Harvest

- About 36% reduction in harvest
  - Spawning season closure (January through April)
  - Bag limit reduced
    - Only 1 gag or black (combined)
    - Aggregate grouper bag reduced from 5 to 3 fish
    - Prohibit captain and crew from bag limit

All federal permit holders subject to federal rules even in state waters



Federal regulations now in place establish a commercial harvest quota for gag grouper resulting in an annual allowable commercial harvest that is about 35% less than historical landings. Both commercial and recreational fishing will be prohibited during a newly established spawning season closure for shallow water grouper from January through April each year. Shallow water groupers include gag, black and red grouper, scamp, red hind, rock hind, coney, grasby, yellowfin grouper, yellowmouth grouper and tiger grouper. Previously, there was only an annual commercial closed season for black and gag grouper from March through April. Additionally, recreational fishers will be subject to reduced bag limits and federal rules now prohibit captain and crew of for-hire vessels from retaining recreational bag limits.

As is the case for vermilion snapper, commercial and for-hire federal permit holders are subject to the new harvest restrictions even when fishing in state waters.

## Impact to Florida



- Florida big part of South Atlantic Fishery
  - 68% of recreational gag landings
  - 27% of commercial gag landings
  - 100% of recreational and commercial black grouper
- 31% of gag recreational catch from state waters
- Cumulative impact along with other actions
- Federal Permit holders affected



The shallow-water grouper fishery is an important fishery in Florida, both commercially and recreationally. Average annual gag landings (2004-2006) for the four-state South Atlantic region were around one million pounds (gutted weight). Florida's contribution to the recreational gag harvest is 68% of total South Atlantic landings (slide eight) and 27% of the commercial landings (slide nine). Black grouper is almost exclusively a Florida fishery.

Thirty one percent of the recreational gag grouper catch off Florida is harvested from state waters (slide ten), so adopting consistent regulations will affect Florida fishers but also reduce fishing pressure on the stock. The spawning season closure will have a significant benefit in Florida, relative to the other South Atlantic states, because several of the shallow water grouper species tend to move south and aggregate in Florida during the winter months as part of the spawning cycle. Gag grouper has also been documented to move inshore in association with spawning cycles, which increases the relative impact of fishing in state waters of Florida (slide 11).

With all of the other pending actions on snapper and grouper in the South Atlantic, there is a cumulative impact associated with the 4-month spawning season closure. Federal regulations are also being developed to prohibit harvest of red snapper, and are likely to include additional year-round closures to all bottom-fishing for reef fish. There is little room for federal managers to mitigate the impact of these cumulative measures and remain compliant with federal law.

Whether or not Florida adopts consistent regulations in state waters, all federal commercial and for-hire permit holders will be required to abide by the reduced harvest limits and closed seasons wherever they are fishing. Based on the most recent data from NOAA Fisheries Service, 515 commercial and 928 for-hire Florida snapper-grouper federal permit holders will not be allowed to fish for shallow-water grouper starting this January in either state or federal waters. **This creates the same situation we recently experienced with red snapper in the Gulf of Mexico. If Florida waters remain open, these permit holders would not be able to fish but private recreational anglers would be able to continue fishing in state waters.**

## Automatic Commercial Closure

### Current Florida rule 68B-14.0045

- Federal permit required in state waters
  - Must follow federal rules
- Two closure provisions aid compliance and enforcement
  1. Closes state waters automatically when federal waters close
  2. March-April closed season for gag and black grouper

March-April closed season would need to be changed to January through April and include all shallow water grouper species



Current Florida regulations require a federal snapper-grouper permit to commercially harvest these species in state waters. Therefore, **all** commercial fishers in state waters must possess a federal commercial permit, and **all** must abide by federal rules while fishing in state waters. This includes the new January through April closure.

Current Florida regulations also include two provisions regarding closures that aid in compliance and enforcement with federal commercial rules. The first provision automatically closes state waters to commercial harvest of any reef fish if the adjacent federal waters are closed. The second provision specifies a March and April closed season for commercial harvest of gag and black grouper in state waters of the Atlantic Ocean. This March-April closed season is now out-of-date. In order to make current Florida regulations consistent with the new federal closed season, our rule would need to be amended.

## Benefit of Florida Consistency



- Federal rules are in place
  - Federal law required action
  - More restrictions coming
  - May offset future actions
- Florida can help speed up recovery
- Florida waters fishery
  - Big part of recreational gag harvest
  - Danger of harvest over-runs
- Aid in compliance and enforcement



Federal managers have implemented harvest restrictions on shallow water grouper species to comply with federal law and end overfishing of gag, red, and black grouper. More restrictions are coming, notably for red snapper. Federal managers are counting on the reduction of fishing pressure through the shallow-water grouper restrictions to help offset some of the actions being proposed to rebuild red snapper stocks.

Florida's participation in limiting grouper harvest in state waters is expected to help speed up the recovery and rebuilding process and supports the regional and federal management effort to that end.

For gag grouper in particular, recreational harvest off Florida's coast, and specifically in state waters, is an appreciable component of the overall fishery. By implementing consistent regulations, Florida would reduce the likelihood of harvest over-runs and possible additional restrictions in federal waters. Consistent regulations in state waters will aid in compliance and enforcement with federal regulations currently in effect.

## Staff Recommendation



- Adopt new recreational bag limits
  - From 5 to 3 fish aggregate bag
  - 1-fish for gag or black (combined)
  - Prohibit captain and crew from bag limit
- Implement closed season
  - January 1 through April 30 for shallow water groupers
  - Optional consideration
    - Red and black grouper assessment
    - Proceed to Final Public Hearing in December 2009



Staff recommends proposed rules to achieve consistency with federal regulations for shallow-water groupers in the South Atlantic. Consistent recreational bag limit provisions would include decreasing the aggregate recreational bag limit for all grouper in the Atlantic Ocean from 5 fish to 3 fish. The proposed rule would decrease the aggregate recreational bag limit for gag and black grouper in the Atlantic Ocean from 2 fish combined to 1 fish combined. Additionally, the proposed rule would prohibit captain and crew of for-hire vessels from retaining any species in the aggregate grouper bag limit.

Staff recommends proposed rules implementing a spawning season closure of January 1 through April 30 each year. This would be a new closed season for recreational anglers and would include all shallow-water groupers.

Staff recommends modifying the existing commercial closed season of March and April in state waters to be consistent with the new spawning season closure of January 1 through April 30 each year and to include all shallow water groupers.

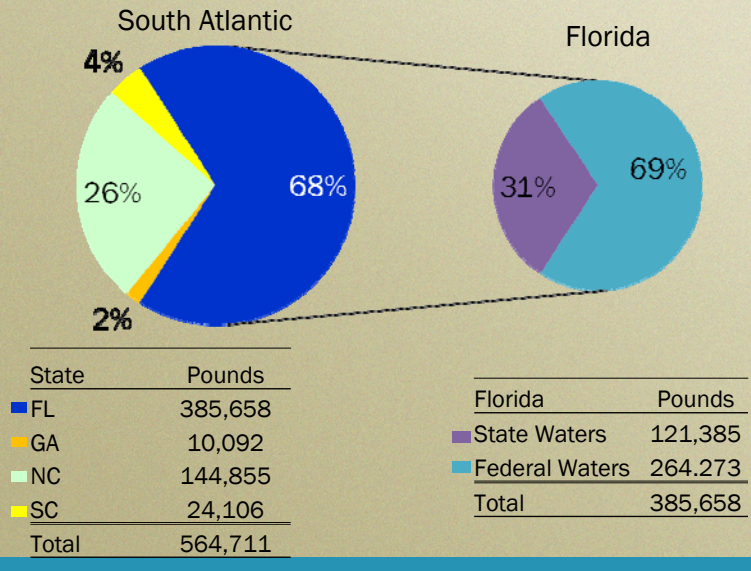
Staff recommends proceeding to Final Public Hearing in December 2009.

As mentioned earlier, red and black grouper are undergoing an updated federal stock assessment at this time. Final results of this assessment are not due until early 2010. The Commission may wish to consider excluding red and black grouper from the spawning season closure in state waters pending completion of this assessment. However, this would only provide relief to private recreational anglers. Commercial and federally-permitted for-hire fishers would still be required to adhere to the closed season in state waters.

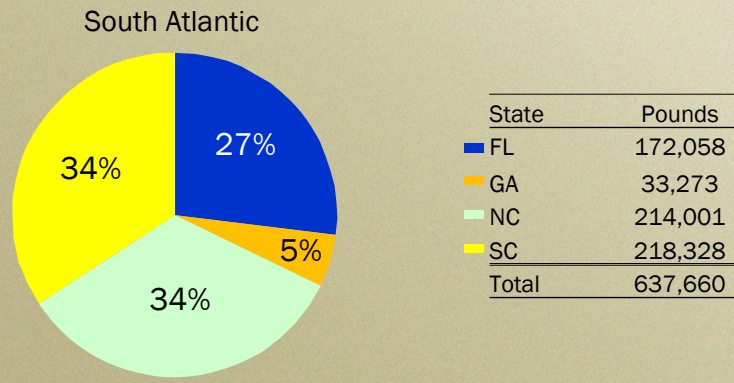
The following slides are considered back up material and are not anticipated to be part of the actual presentation to the Commission



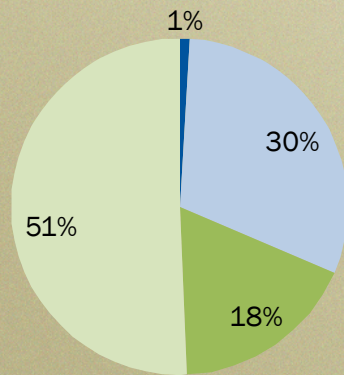
# Average Annual Recreational Gag Landings (2001-2008)



# Average Annual Commercial Gag Landings (2001-2008)



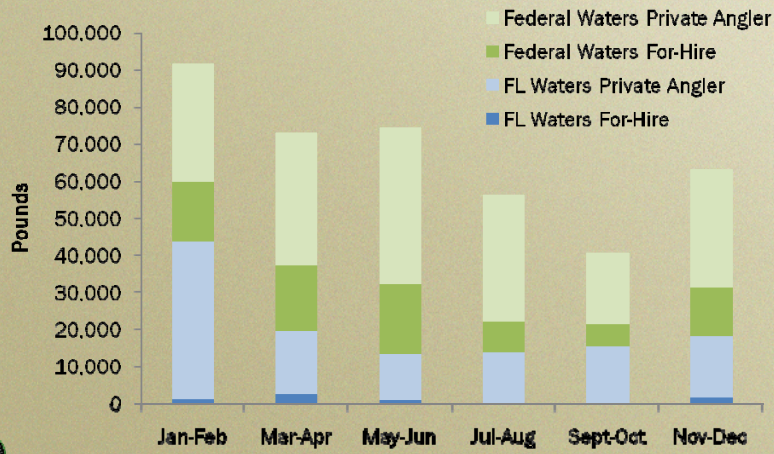
## Average Annual Recreational Gag Harvest off Florida (2001-2008)



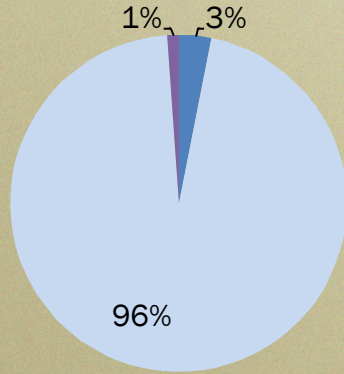
Location/Mode	Pounds
FL Waters For-Hire	3,833
FL Waters Private Angler	117,553
Federal Waters For-Hire	68,623
Federal Waters Private Angler	195,651
<b>Total</b>	<b>385,658</b>



# Average Recreational Gag Harvest off Florida (2001-2008)



## Average Annual Gag Harvest in State Waters (2001-2008)



Sector	Pounds
For-Hire	3,833
Private Angler	117,553
Commercial	1,323
Total	122,708

