



This is a summary of a proposed rule to adopt federal standards for Gulf of Mexico gag grouper. This action would make gag grouper regulations for state waters of the Gulf of Mexico consistent with pending federal action that will designate a new recreational harvest season and lower the commercial size limit for gag grouper. This document also outlines proposed federal accountability measures for gag and red grouper that could affect Florida fishers in the future.

Update: Slide 3 has been added to show changes in the gag grouper recreational harvest season during the past few years. Additionally, language on slides 2 and 7 have been updated and clarified.

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Reef Fish Amendment 32



- Gag grouper rebuilding plan
 - Overfished and undergoing overfishing
- Approved by Gulf of Mexico Fishery Management Council in August
- Expected to take effect in federal waters in early 2012
- Red grouper changes already in effect in state and federal waters



In August, the Gulf of Mexico Fishery Management Council (Council) approved long-term management measures for gag and red grouper (Reef Fish Amendment 32). Amendment 32 contains a rebuilding plan for gag grouper, which is overfished and undergoing overfishing. The Secretary of Commerce approved Amendment 32 in January and the new management measures for gag grouper are expected to take effect in federal waters in early 2012.

Amendment 32 also contains action for red grouper, including an increase in the recreational bag limit that has already been approved for federal waters. The bag limit increased from two to four red grouper per person per day, within the grouper aggregate in federal waters on November 2, 2011. In November, the Commission approved a consistent red grouper bag limit for state waters, which took effect December 30, 2011.

The following slides outline Amendment 32 management actions that FWC staff recommends considering for state waters.

Gulf Gag Grouper Season History

- Pre-2011: Feb. 1 – Mar. 31 annual spawning season closure in state and federal waters (closed 2 months)
- 2011:
 - **Federal waters** closed Jan. 1 – Sept. 15, Nov. 16 – Dec. 31 (closed 10 months)
 - **State waters** closed Feb. 1 – Mar. 31; June 1 – Sept. 15 and Nov. 16 – Dec. 31 for 2011 only (closed 7 months)
- 2012:
 - **Federal waters** closed via interim rule through June; planned July 1 – Oct. 31 open season (closed 8 months)
 - **State waters** closed through Jan. 31, 2012, via Executive Order approved by the FWC to be consistent with the federal interim rule; annual closure Feb. 1 – Mar. 31 (closed 3 months)



The recreational harvest season for gag grouper in the Gulf of Mexico has been modified in federal and state waters several times over the past year. Before 2011, gag grouper, along with other several other groupers, was closed in state and federal waters from February 1 through March 31 each year for a spawning season closure.

The Council and NOAA Fisheries Service approved a series of interim rules in 2011 to comply with the requirement to end overfishing while the long-term gag grouper management measures in Amendment 32 were being developed. The first interim rule prohibited recreational harvest of gag grouper from January 1 through May 31, 2011. The Commission did NOT go consistent with this rule, so gag grouper harvest was open in state waters in January, April, and May. A second interim rule, which took effect June 1, 2011 kept gag grouper harvest closed in Gulf federal waters for the remainder of 2011, with the exception of a recreational harvest season for gag grouper from September 16 through November 15. The Commission approved consistent regulations for state waters of the Gulf of Mexico, also effective June 1, for 2011 only.

The Gulf Council delayed final action on the gag grouper management measures in Amendment 32 to allow the FWC Commission to weigh in on the dates for the federal recreational gag season. Because of this, Amendment 32 has not yet been implemented and the Gulf Council voted to extend this interim rule so that recreational harvest of gag grouper in federal waters remained closed after November 15 and into 2012. The 123-day July 1 – October 31 open season in Amendment 32 is expected to replace this interim rule.

NOAA Fisheries Service requested that the Commission go consistent with Amendment 32 AND the renewed interim rule so that gag harvest in Gulf state waters reopens on July 1, 2012. More than 90% of all recreationally harvested gag grouper from the Gulf of Mexico are harvested off Florida, so Florida plays a key role in the rebuilding of gag grouper stocks. At the November Commission meeting, the Commission voted to keep Gulf state waters closed to recreational harvest of gag through the end of January via an Executive Order, and wait to consider consistency with the July 1 through October 31

Rules Currently in Effect for Gag Grouper

- Because long-term rules are still pending, the **federal interim** rule that currently prohibits gag grouper harvest in Gulf federal waters was extended through June 2, 2012
- In Nov. 2011, the Commission voted to close **state** waters of the Gulf of Mexico to recreational harvest through Jan. 31, 2012, via Executive Order, to be consistent with the federal interim rule
 - FWC rules already prohibit harvest of Gulf gag grouper during Feb. 1 – Mar. 31



Because Amendment 32 is still pending, NOAA Fisheries Service has extended the federal interim rule that prohibits recreational harvest of Gulf gag grouper except during a September 16 through November 15 open season. This rule will expire on June 2, 2012, and should be replaced by Amendment 32, which will set the recreational season for gag grouper as July 1 through October 31 each year.

The Council requested that the Commission act to keep gag grouper closed in state waters until Amendment 32 could be approved. In November 2011, the Commission voted to close state waters of the Gulf of Mexico (excluding Monroe County) to the recreational harvest of gag grouper through January 31, 2012, via an Executive Order to be consistent with the interim rule. It was important to keep the fishery closed in both state and federal waters to avoid a quota overrun before the long-term management measures in Amendment 32 take effect. State rules already prohibit harvest of gag grouper and other shallow-water groupers in Gulf waters during February and March, so the harvest of gag grouper is prohibited through March 31, 2012.

Proposed Gag Grouper Rules: Recreational

68B-14.0039 Recreational Grouper Seasons

- Gulf recreational gag grouper harvest season for Gulf of Mexico (excluding Monroe County):
July 1 – Oct. 31 each year
- Dates chosen to allow for longest possible season without exceeding annual catch target



These changes would bring state rules into full consistency with federal rules.



This proposed rule to adopt federal standards would modify the Recreational Grouper Seasons rule, 68B-14.0039, Florida Administrative Code (F.A.C.), to set the recreational harvest season for gag grouper in the Gulf of Mexico (excluding Monroe County) as July 1 through October 31 each year, beginning in 2012. This 123-day season was chosen by the Council to allow for the longest possible season without exceeding annual catch targets and meet the rebuilding plan for gag grouper. The recreational bag limit of two gag grouper within the grouper aggregate and the minimum size limit of 22 inches total length would remain the same. This closure would make regulations for state waters of the Gulf of Mexico consistent with anticipated federal regulations. Monroe County is not included in this season because Monroe County follows Atlantic regulations for grouper.

Consistency with the federal interim closure would reduce the chance of a harvest overrun in 2012. If Florida does not adopt a recreational gag season that is consistent with the federal season, it is likely that the 2012, and possibly the 2013, federal seasons will be shorter to account for an increased harvest in Florida state waters. This would be detrimental to charter and headboats that hold federal reef fish permits because federally-permitted vessels are required to abide by federal rules in state waters, even if state rules are less restrictive. (This is a federal permit condition.) If the Commission declines to adopt rules that are consistent with the interim rule, gag harvest would reopen in state waters on April 1, 2012 unless other action is taken.

Proposed Gag Grouper Rules: Commercial

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

- Reduce the minimum size limit for commercially-harvested gag grouper from the Gulf of Mexico (excluding Monroe County) from 24" to 22" total length

68B-14.00355 Size Limits for Importation and Sale

- Reduce the gag grouper minimum size limit for purposes of sale from 24" to 22" inches total length (statewide)

These changes would bring state rules into full consistency with federal rules.



This proposed rule to adopt federal standards would modify the Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper rule, 68B-14.0035, F.A.C., to reduce the minimum size limit for commercially-harvested gag grouper from the Gulf of Mexico (excluding Monroe County) from 24 to 22 inches total length. Chapter 68B-14.00355, F.A.C., Size Limits for Importation and Sale would also be modified to reduce the gag grouper minimum size limit for purposes of sale from 24 to 22 inches total length. This change would apply statewide to allow legally-caught gag grouper from the Gulf of Mexico to be sold throughout the state.

The purpose of these changes would be to reduce the number of commercially-harvested gag grouper that are discarded dead and to reduce the rate of release mortality. Reducing the minimum size limit for commercially-caught gag grouper will not result in an increase in commercial gag harvest because gag grouper are managed under an individual fishing quota (IFQ) program that limits the number of gag that each fisher can harvest. The commercial size limit change will also make the minimum size limit for commercially-harvested gag grouper from the Gulf the same as the minimum size limit for recreational harvest.

Amendment 32 Accountability Measures

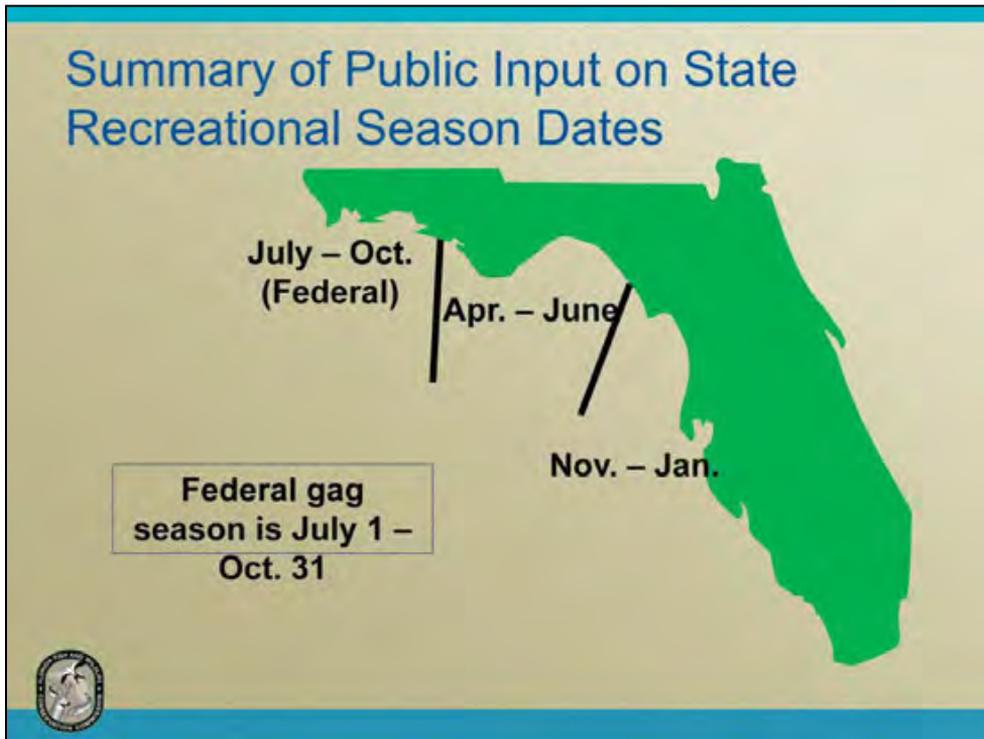
- Gag and red grouper seasons
 - In-season closure if recreational annual catch limit (ACL) is exceeded
 - Following season could be shortened to account for overrun and avoid exceeding the ACL
 - Gag season could be revisited annually
- Red grouper bag limit
 - If ACL is exceeded, bag limit would be reduced from 4 to 3 fish during following fishing season
 - Bag limit would not drop below 2 fish
- Staff recommends no immediate action, but if closures and bag limit changes occur in federal waters, will return with proposals



The Council approved other modifications to accountability measures (AMs) for gag and red grouper in Amendment 32 that the Commission should be aware of. Current federal regulations allow for the closure of grouper harvest in the fishing year following an annual catch limit (ACL) overrun. The management measures in Amendment 32 also provide for in-season closures if the recreational ACL is exceeded and allow the season following an ACL overrun to be shortened to avoid exceeding the annual catch limit. Because gag grouper is in a rebuilding plan, it is possible that the federal recreational season for gag grouper will be revisited and changed yearly based on these accountability measures, similar to red snapper.

The Council approved an additional AM for red grouper. If the recreational sector exceeds its ACL in a given year, the bag limit for red grouper would be reduced from four fish to three fish for the following fishing season. If the ACL is exceeded again the year after that, the bag limit would drop to the old bag limit, which is two fish. However, the bag limit would not drop below two fish. Because red grouper catch limits are increasing and the recreational sector has not been harvesting its allocation of red grouper in recent years, red grouper overruns are not expected unless recreational effort increases.

At this time, staff recommends no action on the accountability measures contained in Amendment 32, but recommends considering season changes and red grouper bag limit adjustments on a case-by-case basis as they are announced for federal waters. FWC staff will keep the Commission informed of these actions in federal waters if they occur.



This slide shows a summary of public comments received by the FWC regarding dates for the state recreational gag grouper season. Please note that this is generalization of comments received from each region and does not represent all comments. For instance, some for-hire federal permit holders from southwest Florida have asked for consistency with the July 1 through October 31 federal season.

Open Season Options Considered by the Council

- Jan., Apr. – Dec. (pre-2011 status quo)
 - Would not meet rebuilding goal (would result in increase in effort)
- Sept. 16 – Nov. 15 (61 days)
- Jan. 1 – 31 and Apr. 1 – 30 (61 days)
- July 1 – Oct. 31 (123 days)
- Jan. 1 – 31, June 1 – July 7, and Dec. 24 – 31 (76 days)
 - Reef fish AP recommendation
 - Would not meet rebuilding goal (would result in increase in effort)



July 1 through October 31 was chosen because these dates yielded the greatest number of fishing days the longest possible harvest season for gag grouper (123 days) without exceeding catch limits and continue to allow a 2-fish bag limit. The Council's Reef Fish Advisory Panel (made up of representatives of the fishery) recommended a split season that would allow fishing in the winter (January 1-31 and December 24-31) and summer (June 1 through July 7) and a reduction in recreational bag limit from 2 to 1 fish. This split season would have only been 76 days, but would have accommodated the southwest Florida winter gag fishery and the summer gag fishery in the northern Gulf of Mexico.

Other split seasons were considered by the Council, but were all 76 days or less because the seasons occurred during dates when fishing effort for gag has been historically high.

The Council, FWC Commission, and majority of the public testimony received indicated that the longest season was preferred. Also, for-hire and recreational harvesters from northwest Florida preferred to have the gag season roughly coincide with red snapper open season (June-July). Some for-hire interests in southwest Florida would have preferred a winter season, but chose to accept the 123 day season.

Staff Recommendation

- Approve the proposed rule amendments for Gulf of Mexico gag grouper to be consistent with federal regulations:
 - Designate July 1 through Oct. 31 recreational open season
 - Reduce the commercial size limit to 22" total length
 - Reduce the minimum size limit for sale to 22" total length (statewide)
- Rule would be published following announcement of federal rule changes
- If approved, the rule will be noticed and filed without further hearing as allowed under the adopting federal standards provision of Florida Statutes



Staff recommends adopting a state recreational harvest season for Gulf of Mexico gag grouper from July 1 through October 31, reducing the commercial size limit to 22" total length, and reducing the minimum size limit for sale to 22" total length (statewide) using the process of adopting federal standards under Chapter 120.54(6), Florida Statutes. Staff recommends that these rules take effect as soon as possible after federal rules are published in the *Federal Register*.

If approved, this rule would be filed without further public hearing. Staff has evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance.

Staff also recommends no action on federal accountability measures for gag and red grouper at this time. Staff recommends that the Commission consider consistency with accountability measures that would change the recreational bag limit for red grouper and harvest seasons for gag and red grouper in federal waters on a case-by-case basis when they occur.