Gulf Gag Grouper Season

Final Public Hearing

February 13, 2013

Florida Fish and Wildlife Conservation Commission

Division of Marine Fisheries Management

Version 1

This is a final public hearing for Gulf of Mexico gag grouper. Gag grouper are regulated as reef fish in Chapter 68B-14, Florida Administrative Code (F.A.C.). This action would set the recreational harvest season for all state waters of the Gulf of Mexico, excluding Monroe, Franklin, Wakulla, Jefferson, and Taylor counties, Indian Pass, Apalachicola Bay, and the Steinhatchee River, to begin July 1 and end when the Gulf federal season ends. The proposed final rule would also set the recreational harvest season for gag grouper in all waters of Franklin, Wakulla, Jefferson, and Taylor counties, including Indian Pass, Apalachicola Bay, and the Steinhatchee River to be April 1 through June 30.

This presentation will be updated when the estimated 2013 federal season ending date and harvest data from the 2012 season are available.

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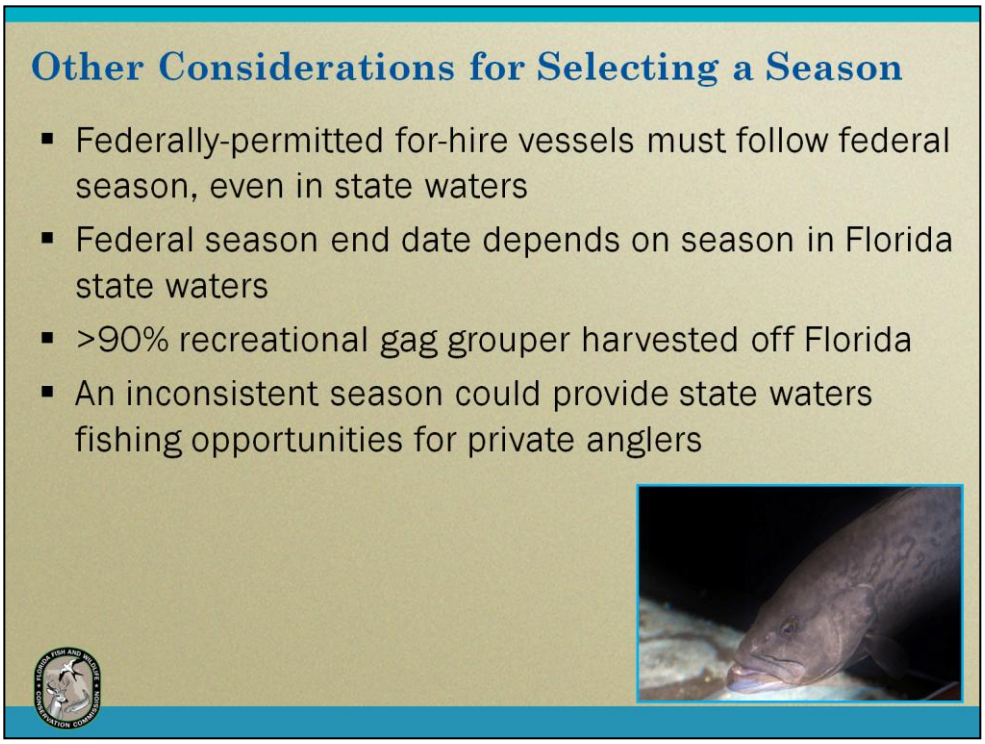
Report date: January 7, 2013

In October, the Gulf of Mexico Fishery Management Council took final action to approve dates for the 2013 recreational gag grouper harvest season in Gulf of Mexico federal waters. This season will begin July 1 and end when the annual catch target (ACT) is projected to be met. The ACT was initially projected to be met sometime between Nov. 11 and Dec. 3, 2013, but this projection was made assuming that the annual catch limit (ACL) was not exceeded in 2012 and that each Gulf state adopts consistent regulations in state waters. Recreational harvest estimates from 2012 are not yet available, but are expected to be before the upcoming Commission meeting. NOAA Fisheries Service is expected to notify the public of the expected season ending date for 2013 closer to the date of the February Commission meeting.

In December, the Commission approved a draft rule to modify the recreational harvest season for gag grouper in Gulf of Mexico state waters. This proposed rule would establish an April 1 through June 30 harvest season for the Florida Big Bend region, and open recreational harvest for the remainder of the Gulf of Mexico (excluding Monroe County) from July 1 through the end of the harvest season in Gulf federal waters. (Monroe County follows Atlantic rules for gag grouper harvest.) This season provides more opportunities for private recreational anglers to harvest gag grouper when they are available in Big Bend state waters, and a longer fishing season that mirrors the federal season for the remainder of the Gulf of Mexico.

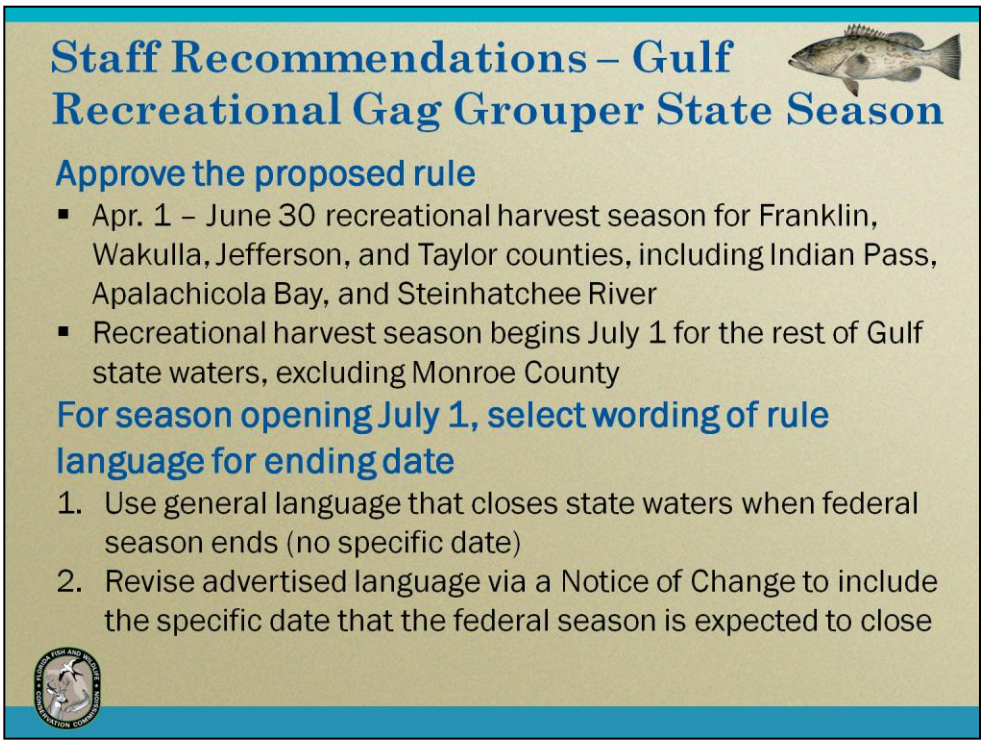
The proposed rule would modify Ch. 68B-14.0039, F.A.C., (Recreational Grouper Seasons) to establish an April 1 through June 30 recreational harvest season for gag grouper in state waters off Taylor, Jefferson, Wakulla, and Franklin counties, including Indian Pass, Apalachicola Bay, and Steinhatchee River. Last year, the Commission also approved a April 1 through June 30 season in these counties for 2012 only through an Executive Order. This season would allow for harvest of gag grouper in Big Bend state waters when gag grouper are available, and is expected to provide an economic boost to this region.

The proposed rule would also modify the season for the remainder of Gulf state waters, excluding Monroe County. This season would begin July 1 and would end when the federal season is projected to end. When the Commission approved this draft rule in December and at the time of this writing, NOAA Fisheries Service had not yet released the estimate of the federal season ending date, so the proposed rule language does not state a specific ending date for the recreational gag grouper season. Instead, it states that Gulf state waters in this region will close when adjacent federal waters close. The federal season ending date is expected to be available by the February Commission meeting. If desired, the Commission could modify the proposed draft rule to replace the general language that closes state waters when federal waters close with the projected federal season ending date. If this occurs, staff will publish a Notice of Change to revise the proposed rule language accordingly.



There are many points to keep in mind when selecting the season for Gulf recreational gag grouper in state waters. First, federally-permitted for-hire vessels must follow the federal season, even in state waters, so an inconsistent season would not provide Floridians and tourists fishing from federally-permitted for-hire vessels additional fishing opportunities. This means that if the proposed rule creating a April 1 – June 30 season in Big Bend state waters is approved, federally-permitted for-hire vessels would not be able to harvest gag grouper during this season. An inconsistent season would likely limit opportunities for federally-permitted for-hire vessels and anglers fishing in federal waters to catch gag grouper because the federal season length will likely be shortened if Florida's season is inconsistent so that the rebuilding requirements for gag grouper are still met. The end date for the federal season will not be announced until closer to the Commission meeting, and this date will depend on the dates of Florida's state season. More than 90% of gag grouper are caught off Florida, so Florida plays a key role in the gag grouper rebuilding plan.

One benefit of selecting a different season for state waters is that the harvest season could provide more opportunities for private recreational anglers to harvest gag grouper in state waters. This is especially true for smaller private recreational boats that do not have the capability to safely fish offshore in federal waters (beyond 9 nautical miles in the Gulf).

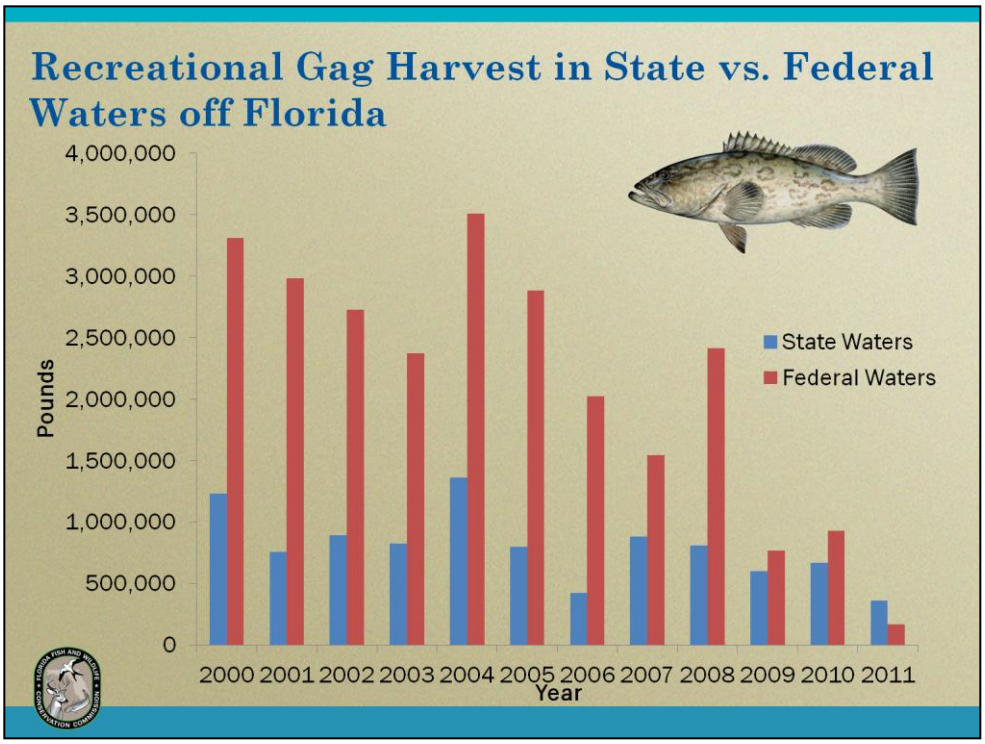


Staff recommends approving the proposed rule to modify the recreational harvest season for gag grouper in the Gulf of Mexico. This would establish an April 1 – June 30 harvest season for the Big Bend (Franklin, Wakulla, Jefferson, and Taylor counties, including Indian Pass, Apalachicola Bay, and Steinhatchee River) and opening the recreational harvest season beginning July 1 for the remainder of Gulf state waters, excluding Monroe County. Staff also requests direction on how the rule describing the season for Gulf state waters outside the Big Bend should be worded. The first option is to keep the wording from the advertised rule language, which states that state waters close to recreational harvest when federal waters close. This language was prepared before the estimate for the federal season ending date was available, so it does not include a specific ending date. The second option is to revise the advertised language via a Notice of Change to include the specific date that the federal season is expected to close. NOAA Fisheries Service is expected to announce the estimated ending date for the Gulf federal recreational gag grouper season closer to the date of the Commission meeting. If the Commission chooses to keep the general language in the first option, the recreational harvest season for gag grouper that opens July 1 would be automatically consistent with future federal harvest seasons unless the Commission took action. If the Commission chooses the second option and inserts the actual date that the federal season is expected to close, the Commission would likely need to revisit the state season closing date yearly if they intend to consider consistency with future federal seasons.

If the second option is approved, staff will publish a Notice of Change to advise the public. This rule would become effective by April 1, 2013.

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 part of the Commission meeting presentation


Recreational Gag Harvest in State vs. Federal Waters off Florida
4,000,000
3,500,000
3,000,000
2,500,000
2,000,000
1,500,000
1,000,000
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Pounds
State Waters
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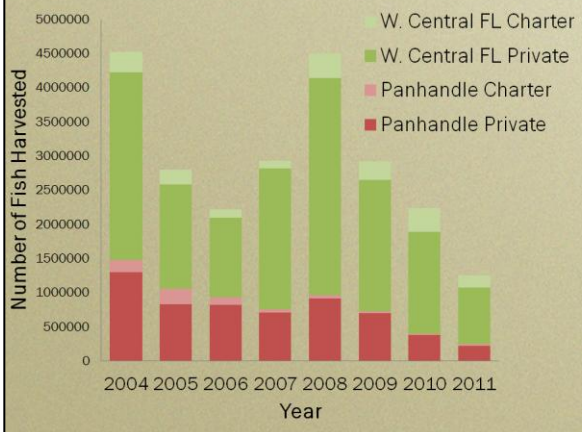
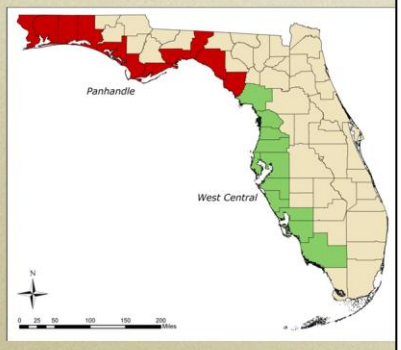
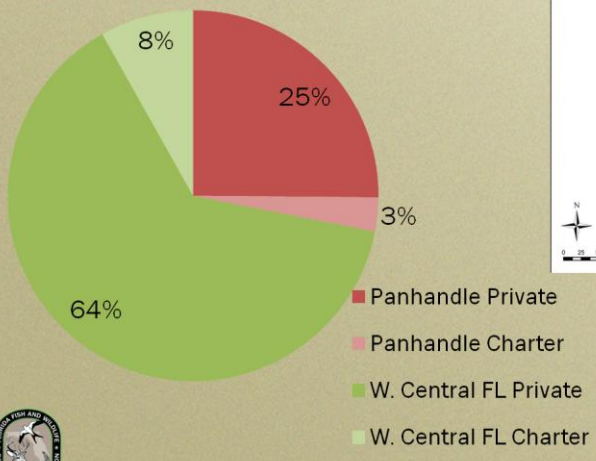
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
Year

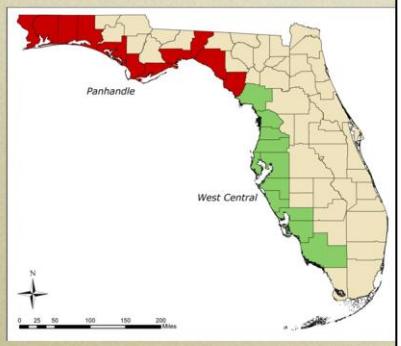
Recreational Catch of Gag Grouper in the Gulf by Region





Recreational Catch of Gag Grouper in the Gulf by Region, 2004-2011





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 few years. Before 2011, gag grouper, along with other several other groupers, was closed in state and federal waters from Feb. 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 Jan. 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 Sept. 16 through Nov. 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 Nov. 15 and into 2012. The 123-day July 1 through Oct. 31 federal open season in Amendment 32 replaced 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 reopened on July 1, 2012. The Commission voted to keep Gulf state waters closed to recreational harvest of gag through the end of January 2012 via an Executive Order, and waited to consider consistency with the July 1 through Oct. 31 federal season until the federal rulemaking process was further along. For 2012, the Commission approved an April 1 through June 30 open season in state waters off Franklin, Wakulla, Jefferson, and Taylor counties and a July 1 through Oct. 31 open season that was consistent with the federal season for the remainder of Gulf state waters.

Recreational Gag Grouper Quota Schedule

Year	Annual Catch Limit (million pounds gutted weight)	Annual Catch Target (million pounds gutted weight)
2011	0.964	0.781
2012	1.232	1.031
2013	1.495	1.287
2014	1.720	1.519
2015+	1.903	1.708

This table shows the scheduled increases to the recreational gag grouper quota through 2015. Scheduled quota increases may not occur if the annual catch limit is exceeded during the previous year.

Season Options Considered by the Council – Continuous Seasons

- Status quo: July 1 – Oct. 31 federal season (123 days)
- Continuous season that begins:
  - March 1 (72-88 days)
  - June 1 (86-137 days)
  - July 1 (133-155 days)

This and the following slide outline the federal Gulf recreational gag grouper season options that were considered by the Council for 2013.

Season Options Considered by the Council – Split Seasons

- Two sub-seasons:
  - March 1-31 and June 1 until quota met (67-96 days)
  - June 1-30 and Nov. 1 until quota met (61-89 days)
  - Jan. 1-31 and June 1 until quota met (60-86 days)
  - FWC preferred: June 1 – July 15 and winter season ending Dec. 31
- Three sub-seasons
  - Mar. 1-31, June 1-21, Nov. 1 until quota met (68-89 days)
  - April 1-30, July 1-31, and winter season ending Dec. 31 (88-108 days)