



Gulf Gag Grouper Season
Final Public Hearing
February 13, 2013
Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management



Version 2

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.

Update: This presentation has been updated with 2012 harvest data estimates and recommendations for a closure date for the 2013 season.

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Report date: February 11, 2013

Background – Gulf Gag Grouper Recreational Season



- Pending season for federal waters is from July 1 until ACT is projected to be met
 - Ending date expected to be between Nov. 11 and Dec. 3, 2013; depends on 2012 harvest and state season dates
 - Preliminary estimates suggest 2012 harvest was within ACT
- In December, FWC approved a draft rule for Gulf state waters season
 - Apr. 1 – June 30 for the Big Bend
 - July 1 – end of federal season for rest of the Gulf



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 is projected to be met sometime between Nov. 11 and Dec. 3, 2013, assuming that the annual catch target (ACT) was not exceeded in 2012 and that Florida adopts consistent regulations in state waters. Preliminary Gulf-wide recreational gag grouper harvest estimates indicate that 87.2% of the annual catch target was landed through October (the federal season ended October 31), but these landings do not include headboats or Texas landings. If 2012 headboat and Texas landings were similar to what they were in 2011, total landings for 2012 would be about 92.8% of the annual catch target. This means that the 2012 harvest was likely just below the annual catch target, even after accounting for last year's Big Bend harvest season in state waters. If final landings indicate the 2012 ACT was not met, the federal season will likely end closer to Dec. 3, 2013. Finalized recreational harvest estimates from 2012 are not expected to be available until March. NOAA Fisheries Service is expected to notify the public of the expected season ending date in late spring.

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.

Proposed Rule - Gulf Recreational Gag Grouper State Season



- Apr.1 – June 30 for Big Bend
 - Taylor, Jefferson, Wakulla, and Franklin counties
 - Includes Indian Pass, Apalachicola Bay, and Steinhatchee River
- July 1 – end of federal season for remainder of Gulf excluding Monroe County
 - Rule language options
 1. General language that closes state waters when federal waters close (no specific date)
 2. Specific language that closes state waters Dec. 3



**Option 2 would require publication of a Notice of Change*

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. 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 sometime in late spring. If desired, the Commission could modify the proposed draft rule to replace the general language that closes state waters when federal waters close with language that would close state waters on a specific date. If this option is chosen, staff recommends closing state waters on December 3. The federal season is currently projected to end between Nov. 11 and Dec. 3. Based on preliminary landings estimates, the 2012 Gulf-wide recreational gag grouper harvest was just below the ACT of 1.031 million pounds. If the ACT was not met in 2012, the federal season is expected to end around Dec. 3. If the Commission chooses to close state waters on Dec. 3, staff will publish a Notice of Change to revise the proposed rule language accordingly.

Other Considerations for Selecting a Season

- Federally-permitted for-hire vessels must follow federal season, even in state waters
- Federal season end date depends on season in Florida state waters
- >90% recreational gag grouper harvested off Florida
- An inconsistent season could provide state waters fishing opportunities



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 an April 1 through 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 their opportunities 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 late spring, and this date will depend on the dates of Florida's state season. Preliminary landings estimates indicate that last year's April through June season in Big Bend state waters did not cause the ACT to be exceeded, but it is difficult to predict if a similar season in 2013 could cause the ACT to be exceeded. Additional changes to the state season would make it more likely that the 2013 would be exceeded, and/or the federal season could be shortened accordingly. 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 Recommendations – Gulf Recreational Gag Grouper State Season



Approve the proposed rule

- Apr. 1 – June 30 recreational harvest season for Franklin, Wakulla, Jefferson, and Taylor counties, including Indian Pass, Apalachicola Bay, and Steinhatchee River
- Recreational harvest season begins July 1 for the rest of Gulf state waters, excluding Monroe County

For season opening July 1, select wording of rule language for ending date

1. Use general language that closes state waters when federal season ends (no specific date) OR
2. Revise advertised language via a Notice of Change to specify Dec. 3 closing date



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. The second option is to revise the advertised language via a Notice of Change to specify that state waters close on Dec 3. The federal season is currently projected to close between Nov. 11 and Dec. 3. If final landings estimates indicate that the annual catch target was not met in 2012, the federal season would likely close around Dec. 3. NOAA Fisheries Service is expected to announce the estimated ending date for the Gulf federal recreational gag grouper season later this spring. 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, the Commission may need to revisit the state season closing date yearly if they intend to consider consistency with future federal seasons.

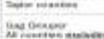
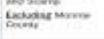
If the Commission approves the option that closes state waters on Dec. 3, staff will publish a Notice of Change to advise the public. This rule would become effective by April 1, 2013.

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

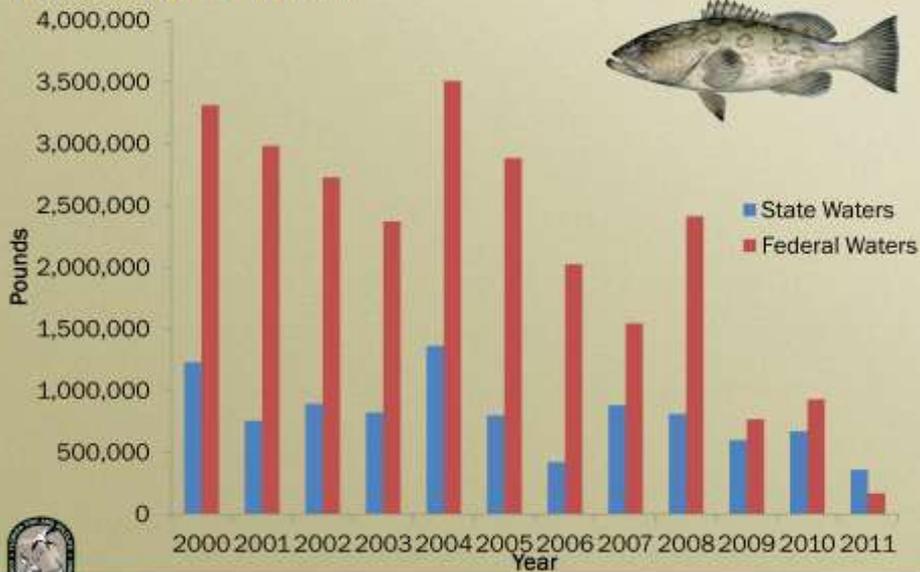


2013 Recreational Seasons Gulf of Mexico Reef Fish

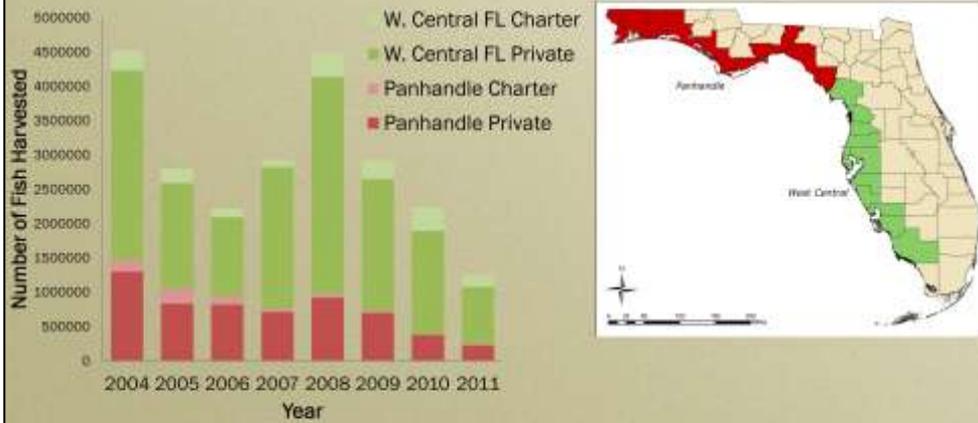
Species	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
 Pompano, Grothead	Open															
 Big Snapper Forallo, Sheepshead, Jefferson and Tiger snappers	Open															
 Gulf Snapper All counties including Forallo, Wakulla, Jefferson, Taylor and Monroe Counties	Open															
 Other Snappers Includes Red, Black, Yellowtail, Yellowmouth, Rock Head, Red Head and Striped. Excluding Monroe County	Open															
 Snapper, Red	Open															
 Other Snappers Includes Black, Sheepshead, Cabeza, Lane, Luteo, Mutton, Sandhead, Vermilion, Blacktip, Dog, Wolfhead, Queen, Milk and Yellowtail	Open															
 Gulf Flounder	Open															



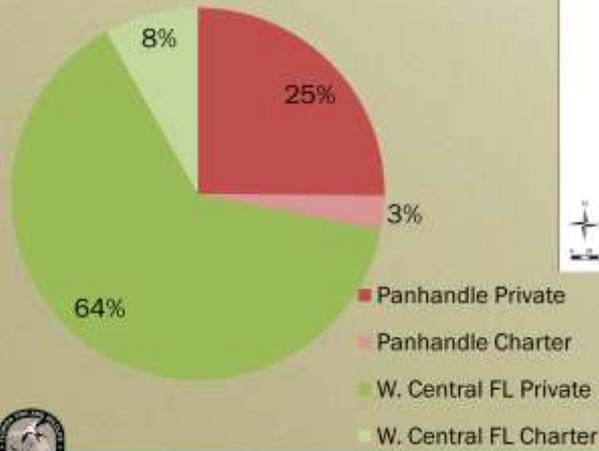
Recreational Gag Harvest in State vs. Federal Waters off Florida

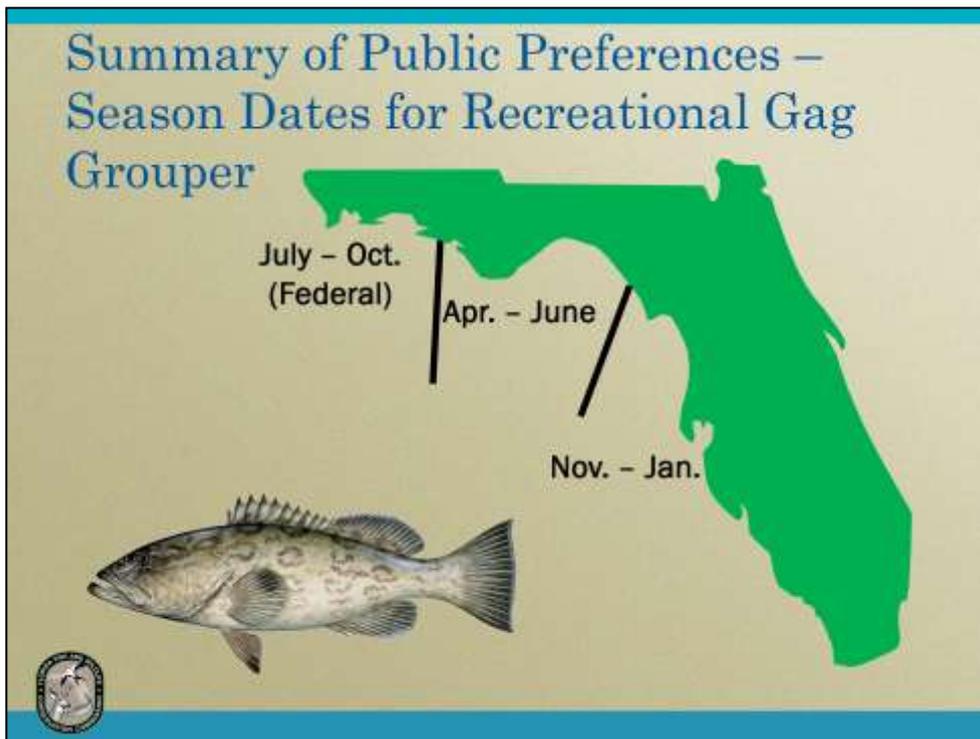


Recreational Catch of Gag Grouper in the Gulf by Region



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





Public comments received by the FWC before the 2012 gag grouper season was established were used to create this map, which shows regional season preferences. Many similar comments were received regarding the 2013 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 asked for consistency with the July 1 through Oct. 31 federal season.

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** open Sept. 16 – Nov. 15 (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** open July 1 – Oct. 31 (closed 8 months)
 - **State waters** open Apr. 1– June 30 off Franklin, Wakulla, Jefferson, and Taylor counties; open July 1 – Oct. 31 elsewhere



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)

