

This is a review and discussion of issues that were discussed at the Gulf of Mexico Fishery Management Council's (Council) April 15-18, 2013, meeting in Gulfport, MS, and issues that will be discussed at the Council's June 17-21 meeting in Pensacola.

This document will be updated prior to the Commission meeting as June Council meeting materials become available.

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## Reef Fish For-Hire Vessel Regulations – Emergency Action Denied



- Council voted to remove requirement for federally-permitted for-hire vessels to follow federal reef fish rules regardless of where they are fishing
- NOAA Fisheries found Council's emergency action to be unwarranted
- Requirement for federally-permitted for-hire vessels to follow federal reef fish rules will remain in place



At the April Council meeting, the Council approved an emergency rule that would remove the requirement for federally-permitted for-hire vessels to follow federal rules when fishing for reef fish. Based on past Commission direction, the Commission's representative on the Council supported this emergency action. In a May 14, 2013, letter addressed to the Council, NOAA Fisheries denied the Council's request to remove the requirement for federally-permitted for-hire vessels to follow federal rules. NOAA fisheries stated that the Council failed to provide a sufficient and compelling rationale to remove the requirement, that the circumstances underlying this requested action did not constitute recent and unforeseen events, and that NOAA Fisheries would not have sufficient time to implement the emergency action prior to the June 1, 2013, federal recreational red snapper season opening.

Therefore, the requirement for federally-permitted for-hire vessels to follow federal rules when fishing for reef fish will remain in place for the 2013 recreational red snapper season. It is possible that the Council will attempt to take the necessary steps to eliminate this requirement through the normal rulemaking process at future Council meetings.

The requirement for federally-permitted for-hire vessels to follow federal rules was originally approved in 2008 (as part of Amendment 30B to the Reef Fish Fishery Management Plan) and was a response to Florida approving inconsistent red snapper regulations in state waters. Many view this rule as unfair to the for-hire industry because it prevents federally-permitted for-hire vessels from fishing in open state waters if federal waters are closed.

## Update - 2013 Federal Red Snapper Season Emergency Rule

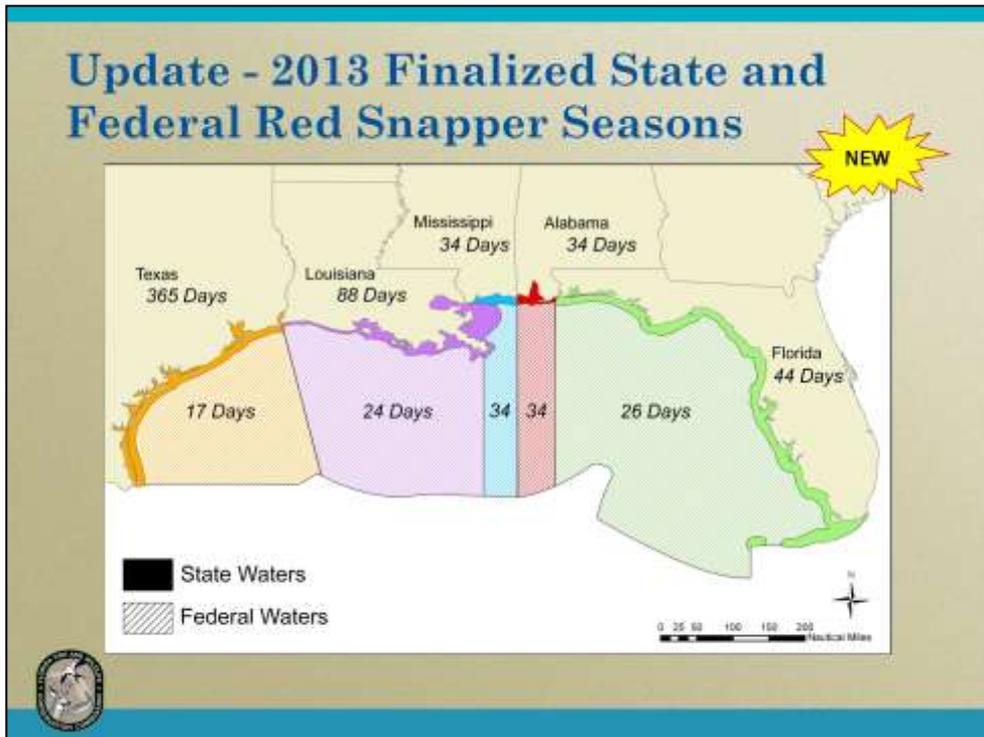


- Council voted to recommend the Secretary of Commerce rescind the emergency rule that would allow NOAA Fisheries to shorten the federal season off states with inconsistent regulations
- NOAA Fisheries denied request to rescind the emergency rule
- Emergency rule will remain in place for the 2013 red snapper season
- Federal season off Florida will be 26 days



At the April Council meeting, the Council voted to recommend that the U.S. Secretary of Commerce rescind the emergency rule approved by the Council in February that grants NOAA Fisheries the authority to shorten the federal recreational red snapper season off states that adopt inconsistent red snapper regulations in their state waters. Based on past Commission direction, the Commission's representative on the Council made the motion to recommend the Secretary of Commerce rescind the emergency rule.

In a May 14, 2013 letter addressed to the Council, NOAA Fisheries denied the Council's request to rescind the emergency rule. NOAA fisheries stated that the Council failed to provide a sufficient and compelling rationale for the Council's request to remove the approved emergency rule, which the Council passed by a narrow margin at the February Council meeting. The emergency rule will remain in place for the 2013 recreational red snapper season. With the emergency rule in place, the 2013 recreational red snapper season in Gulf federal waters off Florida will be 26 days.



The 2013 federal recreational red snapper season dates depend on the now finalized regulations set in state waters by each Gulf state. Texas, Louisiana, and Florida have approved inconsistent regulations for the 2013 season. To account for this, the federal season lengths in waters off Texas, Louisiana, and Florida have been reduced to account for increased harvest in state waters. Originally, NOAA had estimated a 21-day federal season in waters off Florida. On May 23, NOAA Fisheries released updated 2013 federal season lengths for each of the five Gulf states based upon updated recreational landings data and new information from Texas and Louisiana. Based on this updated information, NOAA Fisheries determined federal waters off Florida will be open for 26 days. The Commission approved a 44-day recreational season for state waters at the April meeting.

## Assessment and Possible Quota Increase – Red Snapper



- Stock assessment expected to show improvement and that quota increase for 2013 is warranted
  - Results available in late May or early June
- Council will consider emergency rule to increase 2013 quota based on assessment results at June meeting
  - Supplemental season possible



The Council will receive the final red snapper stock assessment report at its June meeting. Although numbers are not yet available, FWC staff are hopeful that the assessment will show that the red snapper stock has improved and that another quota increase for 2013 is warranted.

The Council is expected to consider an emergency rule to increase the 2013 quota based on the assessment results. The amount of quota increase will depend on the acceptable biological catch set by the Council's Scientific and Statistical Committee (SSC). The SSC is expected to review the assessment in mid-June; however it is possible that the SSC may not be able to meet until after the June Council meeting. If this occurs, the Council would have to pass an emergency rule contingent on the results of the SSC review. Following SSC review, the emergency rule for a quota increase would be filed. This additional quota could allow for a supplemental season later in 2013.

## Red Snapper Regional Management



- Would provide states more flexibility in setting seasons, but not necessarily more fishing days
- Regional management is happening now: TX, LA, and FL regulations are inconsistent with federal red snapper regulations
- Proposed allocations
  - FL: 38%
  - AL: 30%
  - MS: 3%
  - LA: 14%
  - TX: 15%



One of the options the Council is considering for recreational red snapper harvest is a regional management system. This system could entail state-by-state quotas, or dividing the Gulf into two or three regions for red snapper management. The Council's current preferred alternative is to make each state its own region for red snapper management. Under regional management, the Council would allocate the Gulf-wide recreational quota to individual states. Each state would be responsible for tracking their quota to ensure that their allocation is not exceeded. Regional management would give states flexibility in setting the season and bag limit for red snapper, but would not necessarily result in more fishing days because each state would be required to stay within their quota. States would have to abide by the Magnuson Act in setting these regulations so that the red snapper stock continues to rebuild and overfishing is avoided.

Even without formal approval by the Gulf Council, regional management is essentially happening now. Texas, Louisiana, and Florida all have state regulations for recreational red snapper that are inconsistent with federal red snapper regulations. The federal seasons off these states are also shorter than off states with consistent regulations as a result of the emergency rule approved at the February Council meeting; however, this rule may be rescinded by the U.S. Secretary of Commerce based on a Council recommendation at the April Council meeting. The regional management system being considered by the Council would allow states to manage recreational red snapper landed in their state, whether it is harvested from state or federal waters.

The Council is considering how the Gulf wide recreational red snapper quota would be divided among the states under regional management. The proposed allocations are: 38% for Florida, 30% for Alabama, 3% for Mississippi, 14% for Louisiana, and 15% for Texas. These percentages are based off historical and current landings trends in the Gulf recreational fishery. Allocations would need to be revisited every few years as the stock rebuilds to account for changes in the stock and fishery. This is an important point for Florida because the red snapper stock is expanding off west Florida.

## Red Snapper Regional Management



- Council would delegate recreational quota and allow states to manage harvest of that quota
  - Including bag limit, size limit, seasons, and ability to set closed areas
  - Regional accountability measure proposed
    - If a state exceeds their annual quota, their quota for next year would be reduced by the amount of the overage if the Gulf-wide quota is exceeded
- Council will hold public hearings after their June meeting



In April, the Council choose preferred alternatives for red snapper regional management. Based on the current preferred alternatives, the states would have the authority to set bag limits, size limits, seasons, and closed areas in federal waters off their states and would be responsible for monitoring and staying within the quota allotted to them by the Council. Also included in the options for regional management is an accountability measure that would reduce a state's annual quota if the state went over their allocation in the previous year. However, this state quota reduction would only occur if the overall Gulf-wide quota is exceeded during the year of the state quota overage.

The Council will hold public hearings on regional management options following their June meeting in Pensacola. The locations, dates, and times for these meetings have not yet been decided.

## Red Snapper Regional Management – Delegation Letter



- Council requests willingness of each state to assume responsibilities
  - Prohibit recreational landings from state and federal waters when the apportioned state quota is expected to be reached
  - Description of how Florida would calculate the projected season length
  - Description of how Florida would monitor landings to close recreational harvest when apportioned state quota is met



Direction Requested



In early May, the Council sent each Gulf state a letter informing them that the Council is considering delegating management of recreational red snapper harvest to the states. The Council included a series of responsibilities that each state would have to abide by for management authority to remain with the states. If the Council moves forward with regional management, Florida would be required to prohibit recreational red snapper landings from state and federal waters when Florida projects or determines that the apportioned state quota has been harvested to prevent the state from going over the quota. Florida would also have to provide the Council a description of how we would calculate the season length and monitor red snapper landings during the season to ensure that Florida closes recreational harvest when the state quota has been met.

The Council noted in the letter that it hopes to have regional management in place by the beginning of 2014. The Council has requested a written response from the Commission regarding their willingness to accept delegation of recreational red snapper management. As such, staff requests direction from the Commission regarding the FWC's willingness and ability to 1) prohibit recreational landings from state and federal waters off Florida when Florida's quota is expected to be reached, 2) calculate the projected season length, and 3) monitor recreational landings so that harvest can be closed when the state quota is met.

## Inter-Sector Trading – Red Snapper Management



- Council will review scoping document at the June Council meeting
- Would allow sale or lease of commercial IFQ to the recreational sector for recreational harvest
- Transaction methods
  - Direct transactions (directly purchase from IFQ holder)
  - Through a clearinghouse (IFQ deposited to clearinghouse, then distributed by auction, lottery, etc.)
  - Could apply to private recreational anglers, for-hire operators, or regional fishing organizations



In April, Council staff presented the Council with an overview of how inter-sector trading could work in the red snapper fishery. The Council voted to develop a scoping document on inter-sector trading, which will be reviewed at the upcoming Council meeting. Since 2012, any U.S. citizen or permanent resident can purchase IFQ shares; however a commercial reef fish permit is required for harvest. If inter-sector trading was allowed, private recreational anglers or for-hire vessels could lease or purchase red snapper IFQ from commercial harvesters and harvest them without the permit requirements. Transactions could potentially occur directly between IFQ holders and private anglers; for-hire vessels; or regional fishing organizations such as a charter organization, fishing club, or tournament; or through a clearinghouse managed by NOAA Fisheries. The clearinghouse could be used to track transactions and distribute IFQ by auction or lottery.

Should inter-sector trading move forward, the Council must address a number of issues such as monitoring and enforcement, IFQ cost recovery fees, and when to allow recreational harvest of IFQ. Based on Commission direction at the February meeting in Orlando, the FWC representative on the Council voted against inter-sector trading moving forward. In June, the Council will consider whether or not to hold public scoping meetings on inter-sector trading.

## Red Drum Federal Waters Assessment - Discussion



- All harvest prohibited in federal waters since 1988
- Sufficient data was not available for Gulf-wide assessment scheduled in 2009
  - Council requested review of available data, data gaps, and sampling protocols
  - Gulf-wide assessment scheduled for 2016
- NMFS will work with state agencies to develop a research plan
- Council will be updated at August meeting



Also during the April meeting, the Council received a report on research and knowledge of red drum in federal waters of the Gulf of Mexico. Since 1988, all harvest (both commercial and recreational) has been prohibited in federal waters of the Gulf. In April, the Council requested that NMFS update sampling protocols for red drum and work with the states to identify relevant data that may be useful for a formal Gulf-wide stock assessment. The Council also scheduled a Gulf-wide red drum stock assessment for 2016. In addition, the Council also requested that NMFS and Gulf state fisheries management agencies develop a research plan for red drum in federal waters. The Council will be updated on the progress being made at the August Council meeting in San Antonio.

## Direction Requested



- Direction requested on regional management
  - Willingness to accept delegation including management and monitoring responsibilities
- Input on Council items is welcome
- The next Council meeting is June 17-21 in Pensacola, FL
- The following Council meeting will be Aug. 26-30 in San Antonio, TX



Staff requests Commission direction on regional management and the Commission's willingness to accept delegation of recreational red snapper management in the Gulf of Mexico. Specifically, staff requests direction on the FWC's willingness and ability to 1) prohibit recreational landings from state and federal waters off Florida when Florida's quota is expected to be reached, 2) calculate the projected season length, and 3) monitor recreational landings so that harvest can be closed when the state quota is met. Staff will respond to the Council's letter regarding regional management based on the Commission's direction.

Staff also welcomes Commission direction on other Council issues. The next Council meeting will be held in Pensacola, FL, the week of June 17-21. The following Council meeting will be in San Antonio, TX, the week of Aug. 26-30.

This document will be updated prior to the Commission meeting as June Council meeting materials become available.

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



## Mackerel and Cobia - Discussion



- Joint-Council management measures that include permits, recreational sale, and quotas
- Preferred option of the Gulf Council would eliminate recreational sale of king mackerel
- Will be approved for public hearings in June



In March, the Council mackerel committee held a meeting with the South Atlantic Council's mackerel committee to discuss potential joint-Council management measures (Coastal Migratory Pelagics Amendments 19 and 20) for king mackerel, Spanish mackerel, and cobia. Management changes that are under consideration include modified permitting for king and Spanish mackerel, transit provisions, and prohibiting recreational and tournament sales of these species. State-by-state quotas have also been proposed as an option for these species.

At the June Council meeting, the Council will consider scheduling public hearings for Amendments 19 and 20. Discussions of these issues will continue at each Council's future meetings.

**2013 State Recreational Seasons**  
**Gulf of Mexico Reef Fish**

