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.

Update: This document has been updated with the Gulf recreational red snapper federal season length for 2013 and a federal court ruling regarding the red snapper emergency rule that would allow NOAA Fisheries to shorten the federal recreational red snapper season off states with inconsistent regulations.

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Report date: June 7, 2013

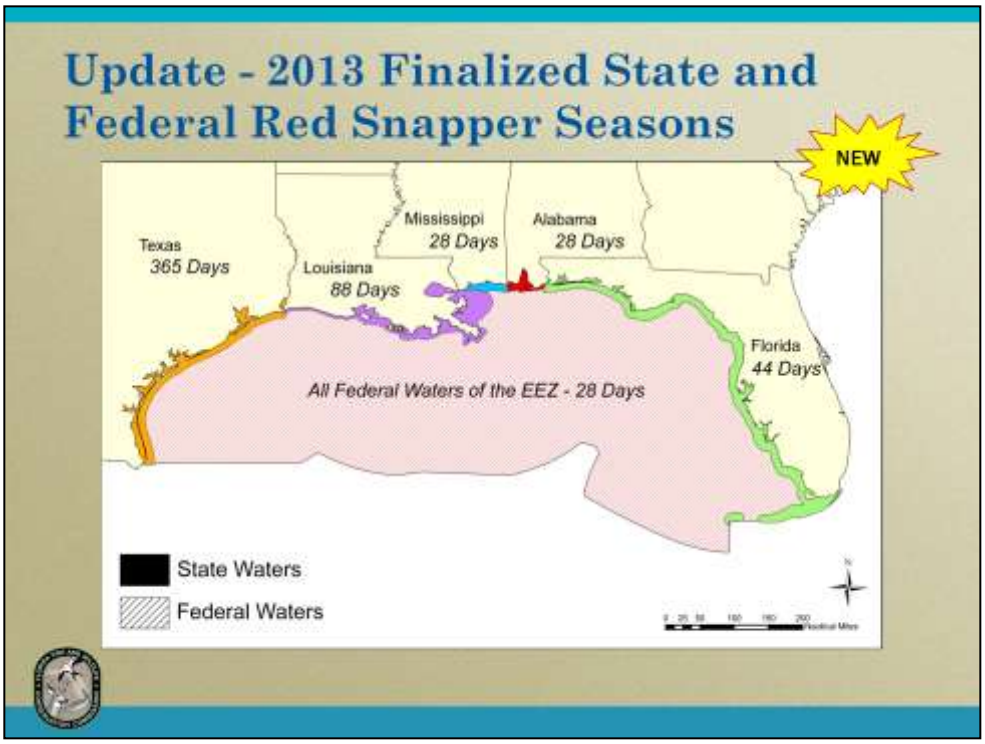
At the April Council meeting, the Council approved an emergency rule that would remove the requirement for federally-permitted for-hire vessels to follow federal rules when fishing for reef fish. Based on past Commission direction, the Commission's representative on the Council supported this emergency 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.

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 would allow NOAA Fisheries to shorten the federal recreational red snapper season off states with inconsistent 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.

Following the passage of the emergency rule in February, Texas and Louisiana sued NOAA Fisheries on the basis that the emergency rule was unlawful under the Magnuson Act. On May 31, 2013, the federal court, ruling in favor of Texas and Louisiana, found that the emergency rule did not meet the required criteria for emergency measures, and the emergency rule was unlawfully promulgated. With the emergency rule no longer in effect, the 2013 recreational red snapper season in Gulf federal waters off all Gulf states will be 28 days.

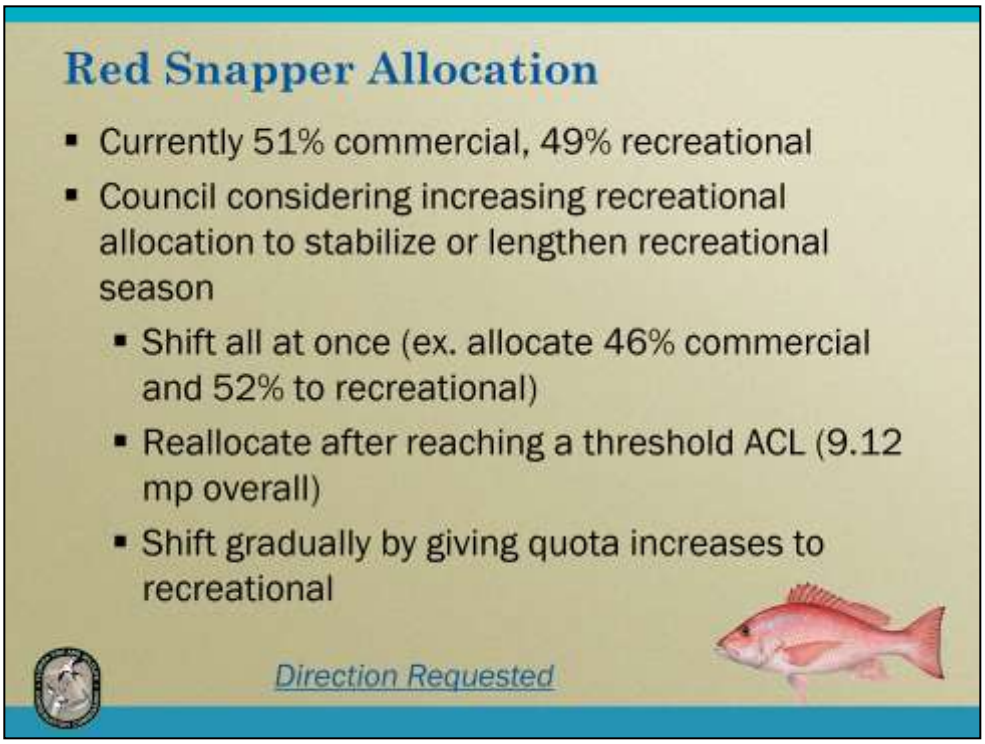


Originally, NOAA Fisheries reduced the federal season lengths in Texas, Louisiana, and Florida to account for increased harvest in state waters. Following the U.S. District Court's decision that the emergency rule granting NOAA Fisheries the authority to shorten the federal season off of Texas, Louisiana, and Florida did not met the required criteria for emergency measures, each Gulf state will have the same federal recreational red snapper harvest season in 2013. On June 4, NOAA Fisheries released updated 2013 federal season lengths based upon updated recreational landings data, new information from Texas and Louisiana, and the emergency rule no longer being in effect. Based on this updated information, NOAA Fisheries determined federal waters of the Gulf will be open for 28 days. The Commission approved a 44-day recreational season for state waters at the April meeting.

The Council will receive the final red snapper stock assessment report at its June meeting. The assessment shows that the Gulf of Mexico red snapper stock is rebuilding well and slightly ahead of schedule.

The Council's Scientific and Statistical Committee (SSC) reviewed the assessment, and increased the Acceptable Biological Catch (ABC) for the 2013 season from 8.46 million pounds (mp) to 13.5 mp. While the stock is clearly recovering, this large increase in ABC for 2013 is due to a few very strong year-classes that are present in the fishery.

The Council is expected to consider an emergency rule to increase the 2013 quota based on the assessment results and the increase in ABC recommended by the SSC. This additional quota could allow for a supplemental season later in 2013. Past Commission direction has favored fall weekends.



An option that the Council is considering for the red snapper fishery is reallocation. Discussions of reallocation have been tabled until the new assessment results were available, but will resume at the June Council meeting. Currently, 51 percent of the annual catch limit is allocated to the commercial sector, with the remaining 49 percent allocated to the recreational sector. This allocation was established in 1990 and was based on historical averages between sectors from 1979-1987. Shifting allocation from the commercial sector to the recreational sector could stabilize or lengthen the recreational season. There are several ways the Council could reallocate red snapper harvest. The Council could simply shift the allocation for red snapper all at one time, reallocate only after reaching a certain annual catch limit (ACL) chosen by the Council, or shift allocation gradually by giving quota increases (or a portion thereof) to the recreational sector. Earlier this year, the Council added an option to reallocate red snapper after reaching a threshold overall ACL of 9.12 million pounds (mp), which is the same as the highest total allowable catch (which was during 2006 and the year before the red snapper IFQ took effect).

Staff also requests Commission direction on whether to consider reallocation as an option for stabilizing or lengthening the recreational harvest season and any preferred method(s) of reallocation.

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. 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.

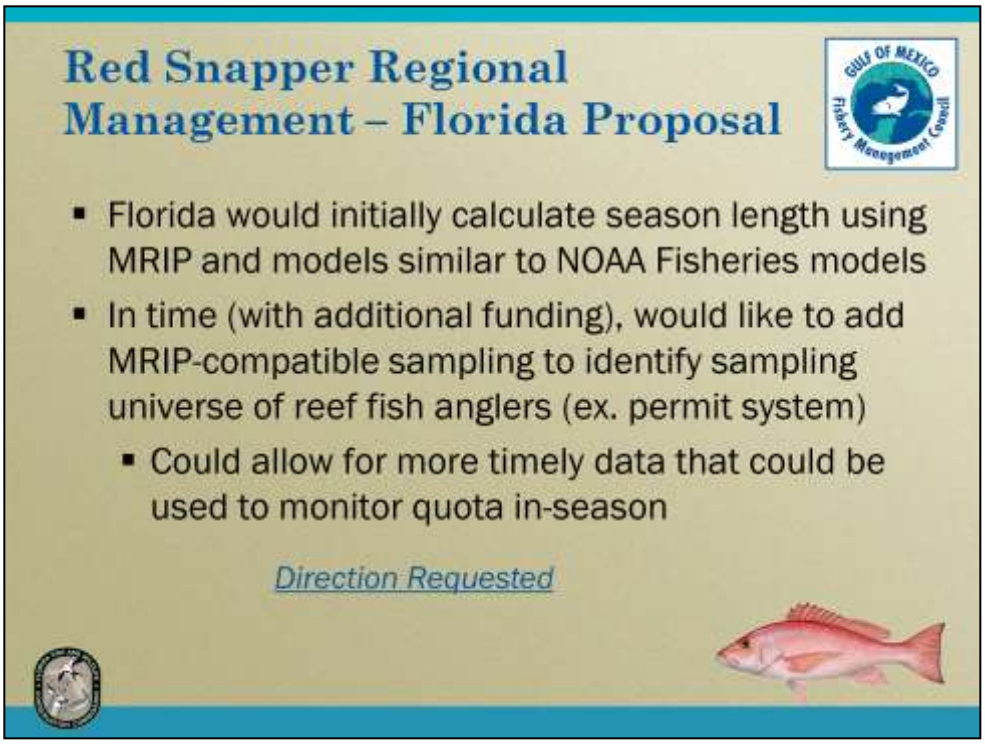
The Council is considering how the Gulf-wide recreational red snapper quota would be divided among the states under regional management. The proposed allocations are: 38% for Florida, 30% for Alabama, 3% for Mississippi, 14% for Louisiana, and 15% for Texas. These percentages are based off historical 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.

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.

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.

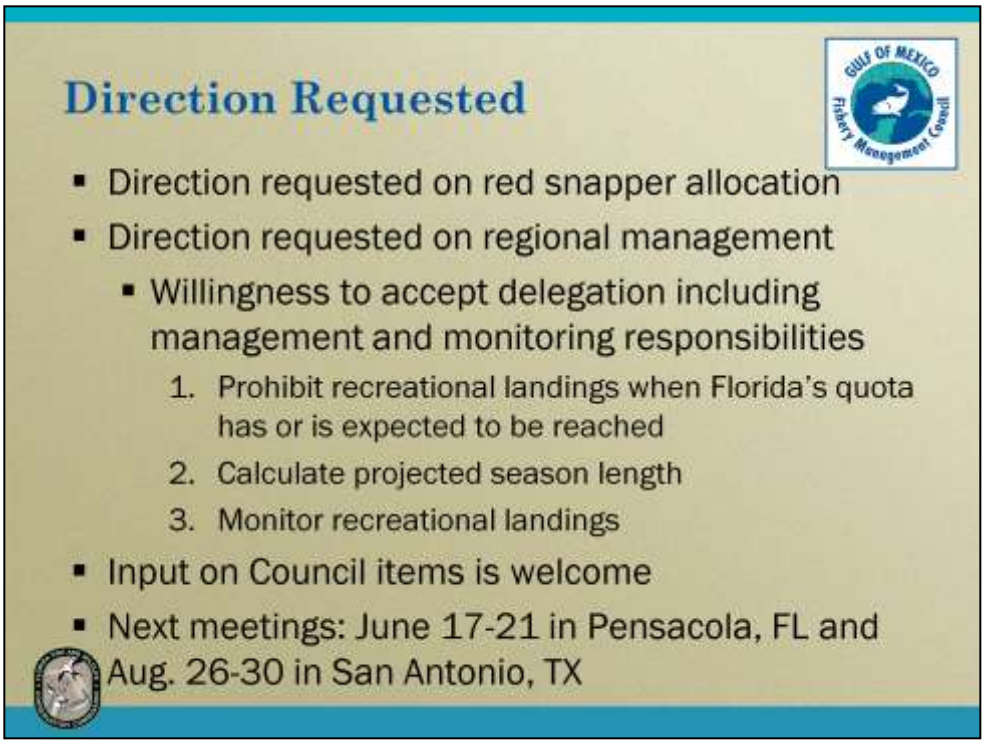


If the Commission accepts delegation of recreational red snapper management and its associated responsibilities, Florida must set its season length and regulations so that its quota is not exceeded. Initially, Florida would calculate its season length using existing Marine Recreational Information Program (MRIP) survey data and models similar to models currently used by NOAA Fisheries to predict red snapper season lengths. This could be done without additional funding as early as 2014 if regional management is implemented. In time, if additional funding available, the FWC could also add MRIP-compatible data collection to identify anglers that fish for red snapper (and other reef fish). For example, the FWC could develop a permit system for anglers landing and possessing reef fish, similar to Louisiana's Recreational Offshore Landing Permit, and require anglers to report their catches. Such a system could allow for more timely catch data that could be used to monitor the red snapper quota during the fishing season.

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.

There has been some interest in opening harvest of red drum in federal waters of the Gulf of Mexico. In April, the Council received a report on research and knowledge of red drum in federal waters of the Gulf of Mexico and requested a red drum stock assessment in 2016. Since 1988, all harvest (both commercial and recreational) has been prohibited in federal waters of the Gulf. The FWC has supported the red drum closure in federal waters because it protects the spawning stock of Florida's state waters red drum fishery. A Gulf-wide assessment was scheduled for 2009, but sufficient data was not available. 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. In addition, the Council also requested that NMFS and Gulf state fisheries management agencies develop a research plan for red drum in federal waters. At this time, the Council is only requesting updated research plans and scientific information on red drum. The Council will be updated on the progress being made at the June Council meeting.



Staff requests Commission direction on red snapper allocation between the recreational and commercial sectors. Reallocating quota to the recreational sector could help stabilize or lengthen the federal season in the Gulf of Mexico. Staff also requests 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.

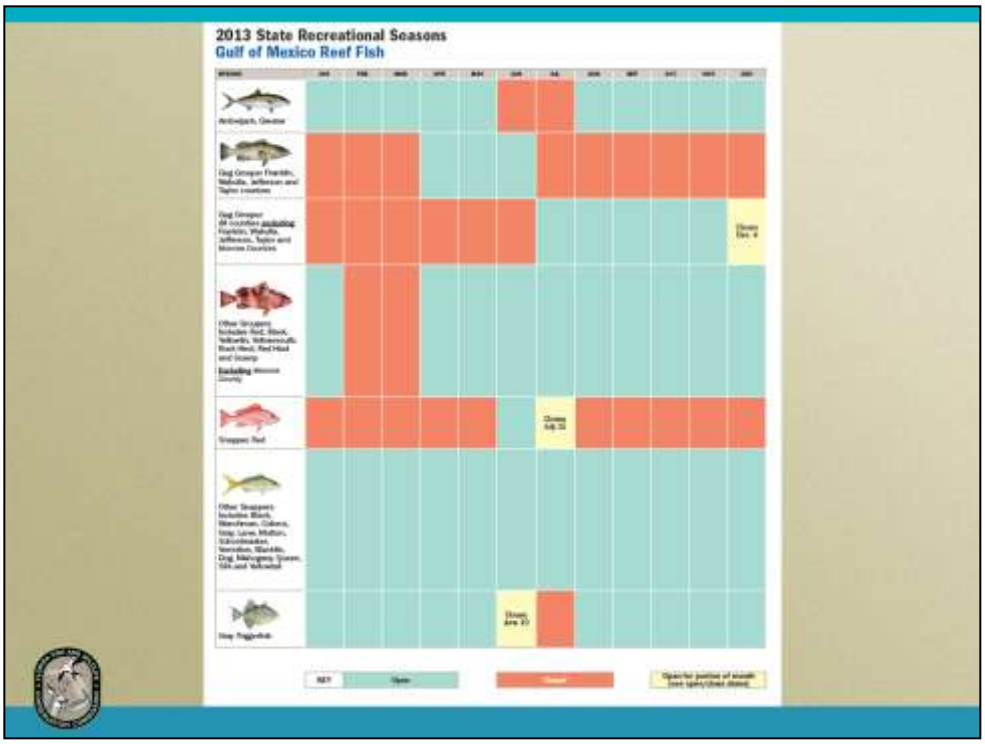
Staff also welcomes Commission direction on other Council issues. The next Council meeting will be held in Pensacola, FL, the week of June 17-21. The following Council meeting will be in San Antonio, TX, the week of Aug. 26-30.

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

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