

# **Reef Fish Management for Headboat Survey Vessels**



## **Amendment 42 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico Draft Options Paper**

**August 2015**



*This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA15NMF4410011*

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# TABLE OF CONTENTS

List of Tables .....	4
Chapter 1. Introduction .....	5
1.1 Background .....	5
1.2 Purpose and Need .....	6
Chapter 2. Management options .....	7
2.1 Reef Fish Species to Include .....	7
2.2 Type of Management Program .....	10
2.2.1 Size Limit, Bag Limit and Season Adjustments .....	10
2.2.2 Allocation-based Programs .....	11
2.2.3 Fish Tags .....	15
2.3. Allocation Issues .....	15
2.4. Measurement Units (Pounds or Number of Fish) .....	16
2.5. ACT Adjustments (Consider Smaller buffers?) .....	17
Appendix A: Headboat AP meeting summary .....	18

## LIST OF TABLES

<b>Table 1.1.1.</b> Number of headboats in the Gulf of Mexico participating in the SRHS 2010-2015.	6
<b>Table 2.1.</b> Landings (in pounds) of red snapper from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings.	7
<b>Table 2.2.</b> Landings (in pounds) of <b>gag</b> from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings.	7
<b>Table 2.3.</b> Landings (in pounds) of <b>red grouper</b> from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings.	8
<b>Table 2.4.</b> Landings (in pounds) of <b>greater amberjack</b> from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings.	8
<b>Table 2.5.</b> Landings (in pounds) of <b>gray triggerfish</b> from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings.	8
<b>Table 2.6.</b> Landings (in pounds) of <b>black grouper</b> from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings.	8
<b>Table 2.7.</b> Overfished and overfishing status of Gulf stocks considered for Amendment 42.	9
<b>Table 2.8.</b> Comparison of four allocation-based management programs.	14
<b>Table 2.9.</b> Percentage of the recreational landings harvested by headboat survey vessels (2011-2015).	16
<b>Table 2.10:</b> Percentages of the recreational red snapper landings harvested by charter, headboat, and private anglers (2011-2014).	16

# CHAPTER 1. INTRODUCTION

## 1.1 Background

Recently, the Gulf of Mexico Fishery Management Council (Council) has taken steps to provide more flexibility in managing various components of the reef fish recreational sector. In 2014, the Council approved Reef Fish Amendment 40 which established separate private angling and federal for-hire components of the red snapper recreational sector, allocated the red snapper recreational ACL between these two components, and implemented separate closure provisions for each component. The federal for-hire component includes all for-hire operators with a valid or renewable federal reef fish charter/headboat permit (for-hire permit). The private angling component includes all other for-hire operators and private recreational anglers. The decrease over time in the proportion of the red snapper recreational annual catch limit (ACL) harvested by anglers fishing from federal for-hire vessels and differences in regulatory environments faced by federal for-hire operators and private anglers - including changes in state regulations relative to red snapper - that contributed to the Council's decision to restructure the red snapper recreational sector are discussed in Amendment 40 (GMFMC, 2014). Recreational fishing for other reef fish species has not been as restricted as red snapper, but fishing for several species has closed in federal waters in recent years for some of the same reasons. These other species may also benefit from flexible management for different components of the recreational sector.

The reorganization of the red snapper recreational sector initiated in Amendment 40 was later expanded by the Council to include a further split of the federal for-hire operators into a headboat sub-component and charter sub-component, and to include other species. In early 2015, the Council requested the initiation of an amendment addressing reef fish management for the headboat component, established an Ad Hoc Reef Fish Headboat Advisory Panel (Headboat AP), developed a charge for the Headboat AP and requested that the AP be convened. As approved by the Council, the charge to the AP was to make recommendations relative to the design and implementation of flexible measures for the management of reef fish for the headboat sub-component of the for-hire sector. In addition to the Headboat AP, the Council also created a charter vessel advisory panel (charter AP) tasked with recommending measures for the management of red snapper for charter operators, and requested the initiation of a charter-specific amendment (Reef Fish Amendment 41). It is important to emphasize that, compared to the charter AP, which is limited to red snapper, the scope of the Headboat AP is broader because it encompasses all reef fish.

The Headboat AP was convened and its recommendations were presented to the Council in May 2015. Management measures under consideration in Amendment 42 include recommendations made by the Headboat AP and traditional management instruments, such as adjustments to bag and size limits and changes in the structure of the fishing season. A summary report of the Headboat AP, meeting including recommendations provided to the Council, is appended to this document (Appendix A).

In the Gulf of Mexico (Gulf), the reef fish for-hire permit does not make a distinction between headboats and charter vessels. Therefore, the development of two distinct amendments addressing the management of red snapper for the charter vessel sub-component (Reef Fish

Amendment 41) and the management of reef fish for the headboat sub-component (Reef Fish Amendment 42) requires clear definitions of which vessels would be included in each amendment.

The Southeast Region Headboat Survey (SRHS) collects catch and effort data from headboats, thereby producing a catch history for each vessel included in the survey. In the Gulf, for the purpose of reporting (as specified in 50 C.F.R. § 622.26(b)), the SRHS considers a for-hire vessel to be a headboat if it meets these criteria:

- 1) Vessel is licensed to carry 15 or more passengers;
- 2) Vessel fishes in the exclusive economic zone (EEZ) or state and adjoining waters for federally managed species; and
- 3) Vessel charges primarily per angler (i.e., by the “head”).

The SRHS has been conducted in the Gulf since 1986. As a result, detailed catch histories are available for headboats with sustained participation in the survey. In addition, for fishery managers, the SRHS continues to be the sole source for effort and landings estimates for the headboat component as a whole. For these reasons, this amendment defines the universe of headboat vessels for Amendment 42 as federal Gulf of Mexico vessels participating in the SRHS. For the remainder of this document, unless explicitly stated otherwise, a headboat refers to a Gulf of Mexico federal SRHS vessel. Therefore, the total number of Gulf headboats currently participating in the SRHS constitutes the universe of vessels to which provisions in this amendment would apply. For the Gulf, the number of headboats surveyed in the SRHS by state between 2010 and 2015 is provided in Table 1.1.1.

**Table 1.1.1.** Number of headboats in the Gulf of Mexico participating in the SRHS 2010-2015.

Year	AL	FL	LA	MS	TX	Total
2010	7	38	4	3	16	68
2011	8	35	4	5	17	69
2012	9	34	4	5	16	68
2013	9	36	3	5	16	69
2014	9	37	2	5	16	69
2015	9	37	2	5	16	69

NMFS SRHS database

## 1.2 Purpose and Need

The purpose of this action is to provide flexibility, reduce management uncertainty, and improve economic conditions for reef fish headboat operators/owners and increase fishing opportunities for their angler passengers by establishing a management program for federally-permitted headboat vessels participating in the Southeast Region Headboat Survey.

The need for this action is to prevent overfishing while achieving, on a continuing basis, the optimum yield from the harvest of reef fish by the for-hire sector, and taking into account and allowing for variations among fishery resources.

## CHAPTER 2. MANAGEMENT OPTIONS

### 2.1 Reef Fish Species to Include

The Ad Hoc Headboat Reef Fish Advisory Panel (Headboat AP) recommended inclusion of six major reef fish species: red snapper, gag, red grouper, greater amberjack, gray triggerfish, and black grouper. These species are perceived to have the highest recreational landings of the federally managed reef fish. Tables 2.1-6 show landings of each of these species by SRHS vessels and the proportion of those landings versus landings for the recreational sector as a whole. For SRHS vessels, red snapper has the highest landings by far in both numbers and pounds; relatively few black grouper are landed by SRHS vessels.

**Table 2.1.** Landings (in pounds) of red snapper from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings. Note: Some regions have been combined because of confidentiality requirements.

Year	SWFL	NWFL	AL	MS/LA	TX	Total	Percent
2011	14,362	218,833	80,867	29,578	286,928	630,568	15%
2012	17,955	187,878	71,483	27,093	419,675	724,084	14%
2013	12,493	132,300	56,378	22,618	221,491	445,280	5%
2014	10,289	107,534	67,338	12,436	184,696	382,293	10%
2015	1,053	20,146	10,418	207	93,410	125,234	15%

Source: SRHS database, MRIP, LA Creel, TX HBS.

**Table 2.2.** Landings (in pounds) of gag from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings. Note: Some regions have been combined because of confidentiality requirements.

Year	SWFL	NWFL	AL-LA	TX	Total	Percent
2011	47,688	1,948	256	344	50,236	7%
2012	34,707	9,808	408	595	45,519	4%
2013	32,083	2,560	22	431	35,096	2%
2014	40,023	1,598	93	183	41,898	5%
2015	6,759	708	24	142	7,634	7%

Source: SRHS database, MRFSS, LA Creel, TX HBS; all MRFSS landings for gag from Monroe County are assigned to the South Atlantic.

**Table 2.3.** Landings (in pounds) of **red grouper** from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings. Note: Some regions have been combined because of confidentiality requirements.

Year	SWFL	NWFL	AL-TX	Total	Percent
2011	28,836	9,163	459	38,459	6%
2012	74,211	12,731	382	87,324	5%
2013	71,960	8,950	344	81,255	3%
2014	41,145	5,953	175	47,272	3%
2015	12,964	845	56	13,864	6%

Source: SRHS database, MRFSS, LA Creel, TX HBS.

**Table 2.4.** Landings (in pounds) of **greater amberjack** from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings. Note: Some regions have been combined because of confidentiality requirements.

Year	FL	Other Gulf	Total	Percent
2011	31,915	30,921	62,836	6%
2012	61,989	37,692	99,681	7%
2013	34,961	38,286	73,247	5%
2014	21,936	24,500	46,435	5%

Source: SRHS database, MRFSS, LA Creel, TX HBS; all MRFSS landings for greater amberjack from Monroe County are assigned to the South Atlantic.

**Table 2.5.** Landings (in pounds) of **gray triggerfish** from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings. Note: Some regions have been combined because of confidentiality requirements.

Year	SWFL	NWFL	AL-LA	TX	Total	Percent
2011	1,401	34,832	11,915	2,303	50,449	11%
2012	997	13,570	3,018	1,121	18,706	7%
2013	796	21,443	3,421	1,453	27,112	6%
2014	229	7,002	932	530	8,693	4%
2015	129	1,991	494	152	2,766	11%

Source: SRHS database, MRFSS, LA Creel, TX HBS.

**Table 2.6.** Landings (in pounds) of **black grouper** from vessels participating in the SRHS from 2011 through 2015 by homeport region, plus percentage of the total recreational landings. Note: Some regions have been combined because of confidentiality requirements.

Year	SWFL	NWFL	AL-LA	TX	Total	Percent
2011	432	30	-	134	596	100%
2012	601	108	-	530	1,239	5%
2013	1,952	-	-	328	2,280	67%
2014	367	-	-	419	786	100%
2015	41	-	-	-	41	100%

Source: SRHS database, MRFSS, LA Creel, TX HBS; all MRFSS landings for black grouper from Monroe County are assigned to the South Atlantic.



Recreational fishing for several of these species has been limited in recent years, which has prompted the Gulf of Mexico Fishery Management Council (Council) to search for new management regimes to increase fishing opportunities. Red snapper seasons have gotten progressively shorter. The gray triggerfish season has closed before the end of the year since 2012, including 2015. Greater amberjack landings exceeded the ACL in 2013, the season closed in 2014, and the season may close in 2015. The red grouper ACL was exceeded in 2013 and the season closed in 2014; the Council reduced the bag limit for 2015 to try to extend the season. In addition, some of these species are overfished and/or undergoing overfishing (Table 2.7). Changes to management for these species could extend seasons and increase fishing opportunities.

**Table 2.7.** Overfished and overfishing status of Gulf stocks considered for Amendment 42.

Species	Status of the Gulf Stock	
	Overfished	Overfishing
Red Snapper	Y	N
Greater Amberjack	Y	Y
Gray Triggerfish	Y	Y
Red Grouper	N	N
Gag	N	N
Black Grouper	N	N

Gag landings have been below the ACL since 2012<sup>1</sup>. Although a benchmark assessment for gag, completed in 2014 (SEDAR 33 2014), indicated that the gag stock was no longer overfished or undergoing overfishing, anecdotal information from fishermen indicate that the stock may not be in as good shape as suggested by the assessment. Low landings may be indicative of a reduced stock. New management for gag could help prevent overfishing from recurring.

Black grouper landings have been very low in recent years and have other issues that could make it more complicated to include in the proposed management system. When black grouper was last assessed (SEDAR 19 2010), Gulf and South Atlantic black grouper were combined to produce an ABC. A formula for separating Gulf and South Atlantic ACLs was approved in the Generic ACL/AM Amendment, as was a sector allocation for the Gulf of 27% recreational and 73% commercial. However, the entire Gulf ACL (recreational and commercial) was combined with scamp, yellowmouth grouper, and yellowfin grouper to create a shallow-water grouper complex ACL. To determine an allocation for the SRHS vessels, black grouper would need to be separated from the other shallow-water groupers. Further, because black grouper is landed mainly in south Florida, it is part of a joint amendment with the South Atlantic, which considers partial delegation to Florida and combined ACLs.

The establishment of a separate management program for SRHS vessels harvesting red snapper would not exempt the program from section 407(d) of the Magnuson-Stevens Act which requires that red snapper recreational fishing be halted once the total recreational quota is caught. Some

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<sup>1</sup> The December 4 closure of gag is set and not based on the ACL.

participants in the selected program, particularly if it is an allocation-based program, may have to forgo remaining annual allocation of red snapper and lose fishing opportunities after the red snapper recreational ACL is caught. This provision would not apply to other species that might be included in the program.

## **2.2 Type of Management Program**

### **2.2.1 Size Limit, Bag Limit and Season Adjustments**

If the Council elects to continue to manage reef fish effort and harvests in the headboat component using traditional approaches, the range of management measures would be fairly limited. Traditional management instruments, commonly referred to as command and control management would include adjustments to the size and bag limits and changes to the structure of fishing seasons.

#### **Size Limit**

The management of Gulf reef fish species that are considered in this document includes minimum size requirements. Minimum size limit requirements can protect smaller fish from being harvested and reduce fishing mortality. Size limit requirements would allow fish to spawn before harvest if the minimum size is set above size-at-maturity. However, size limits can result in increased discards. In addition size limits could contribute to higher average weights per fish harvested, potentially negating season extending benefits expected from establishing a minimum size limit requirement.

#### **Bag Limit**

Bag limits place restrictions on the maximum number of fish that can be possessed daily by an angler. Bag limit restrictions either apply to a given species, e.g., red snapper or to a species aggregate, e.g., groupers. Daily possession limits are established to reduce fishing pressure by slowing the rate of harvest. Bag limits are expected to extend the fishing season, especially if most anglers catch the current bag limit. Possession limits can contribute to increased discards and may give anglers added incentives to high-grade as they attempt to harvest the largest fish possible. In addition, anglers may object to bag limits, especially if they think the abundance of a given species is greater than NMFS' abundance estimate and thus is not consistent with the restrictions placed on possession, e.g., two-fish limit on red snapper.

#### **Fishing Season**

A fishing season determines the time interval during which harvest of a given species or species-group is allowed. Fishing seasons could be continuous with a start and end date or could be split to encompass segments of the fishing year. The length of the season is typically based on projections estimating when the allotted harvest (quota, ACL or Annual Catch Target) is expected to be met. Intervals during which fishing is prohibited can attempt to protect the stock during vulnerable periods such as spawning. Fishing seasons may be established to coincide

with more economically desirable periods. However, predetermined fishing seasons do not afford anglers the flexibility to select the optimal period to go fishing and do not account for potential losses of fishing days due to unfavorable conditions, such as bad weather. When established for large geographical areas, e.g., the Gulf of Mexico, fishing seasons do not account for regional differences in fishing demand.

None of the command and control approaches were favored by a majority of the Headboat AP members. For the management of reef fish species, panel members recommended the use of allocation-based, also known as incentive-based or rights-based, management approaches. Adjustments to the size limit, bag limit and season are included in this document to provide the Council a wider set of management instruments to choose from.

### 2.2.2 Allocation-based Programs

At their May 2015 meeting, the Headboat AP made a motion recommending that the Council develop an allocation-based program using reported landings from the SRHS. Gulf headboats participating in the SRHS have recorded landings histories beginning in 1986, which could be used to determine program and individual allocations. These types of programs can provide headboats with the flexibility to operate when customers are most abundant, which may differ by region. The programs can also promote safety at sea, by allowing headboats to wait for calm weather.

In an allocation-based program, the quota for a group is divided among individuals or smaller groups, who can then choose when to use that allocation. In the case of headboats, each operator would have allocation to account for fish harvested by the passengers on each trip. Timely reporting is a key element of allocation-based programs; as allocation is used, it must be subtracted from the annual allocation for the individual or group. When each individual or group has used all of their allocation, they must stop fishing or obtain more allocation (if allowed by the program).

Some programs distribute *shares*, which are a set percentage of the quota. If an individual or group holds shares, each year they will receive that percentage of the quota, which is their *allocation*. The allocation amount changes if the quota changes, but the shares remain the same, unless transfer is allowed. In other programs the allocation will change from year to year, depending on quota, changing membership in a group, change in average weight of fish, or other factors. In these cases, shares are not needed and only allocation is distributed.

Several types of allocation-based management programs are described below. Each program would require a portion of the ACL be designated for the program as a whole (see Section 2.3 below), to be further divided among participants. The programs differ in terms of how the shares and/or allocation would be divided and distributed, as well as other program details (Table 1). Multiple issues would need to be considered regardless of the program chosen.

## Self-managed Programs

### *Fishing Cooperatives*

The Fishermen’s Collective Marketing Act of 1934 (15 USC 521) defines a fishing cooperative as a group comprised of “persons engaged in the fishing industry as fishermen, catching, collecting, or cultivating aquatic products, or as planters of aquatic products on public or private beds, that may act together in association, corporate or otherwise.” Fishing cooperative management does not require the participants to be located in the same areas.

Each cooperative is managed by its own manager, independently from the other cooperatives, which would allow flexibility of each cooperative to manage their respective allocation as they deem fit. A single cooperative could be managed for all 79 SRHS vessels, or multiple cooperatives could be formed. The shares (if used) are attached to a manager account; the manager then distributes allocation to vessels according to the internal cooperative agreement.

An example of a recreational collaborative is the Headboat Collaborative pilot study (HBC), which was created to evaluate the viability of an allocation-based management strategy for improving the conservation of marine resources and economic stability and performance of the headboat sector. The HBC program has one manager responsible for distributing allocation to 19 vessels home-ported throughout the Gulf. The structure of a fishing cooperative for all SRHS vessels could be incorporated into the current online system, by adapting the HBC structure. The Headboat AP recommended this type of program.

### *Regional Fishing Organizations*

Regional fishing organizations are similar to fishing cooperatives, except the groups would be based on specific areas (e.g. states). Each region would designate a manager that would distribute the allocation among the vessels within that organization. The shares are attached to a regional manager account, who then distributes the allocation to vessels according to bylaws associated with that regional unit. The structure of a regional fishing organization for SRHS vessels could be incorporated into the current online system, by adapting the HBC structure.

## Programs managed by the National Marine Fisheries Service (NMFS)

### *Individual Fishing Quotas (IFQs)*

An IFQ program involves shares and allocation held by individuals, in this case, permit holders with vessels in the SRHS. Shares would be distributed to each permit holder based on the landings history associated with their permit or vessel in the SRHS and SERO databases. Those shares would represent a percentage of the quota allocation for the program. After the initial distribution, shares would be associated with the permit holder but not the permit itself. Therefore, shares could be transferred separately from the permit, in accordance with any restrictions in the program. Each year, allocation would be distributed to participants holding shares by NMFS; individual allocation would be determined by multiplying the shareholder percentage by the program allocation.

The NMFS Southeast Regional Office currently manages commercial IFQ programs for red snapper, groupers, and tilefish. The structure of an IFQ program for SRHS vessels could be incorporated into the current online system. Participants would hold shares and allocation in accounts within the IFQ system, and distribution, usage, and transfers would all be tracked by NMFS.

An IFQ program offers maximum flexibility to SRHS vessel operators. Participants hold shares and determine usage of their allocation. Depending on transferability options chosen, participants can buy or sell shares and allocation to meet their needs. However, many people feel that IFQs allow individuals who do not fish to potentially control availability and cost of shares and allocation, although this could be prevented in the design of the program.

#### *Permit Fishing Quotas (PFQs)*

A PFQ program involves shares and allocation associated with a permit, in this case federal Gulf reef fish charter/headboat permits that are associated with vessels in the SRHS survey. There are two main ways in which a PFQ may function: attaching shares to a permit (share PFQ) or assigned allocation allotments based on permit characteristics (allocation PFQ). In the share PFQ system, the amount of shares assigned to a permit may be based on landings history, a tiered approach, or some other metric. Those shares would represent a percentage of the quota allocation for the program and allocation will be distributed to that permit holder at the start of the year. Shares would not be transferrable, but if the permit transferred the shares would transfer with the permit and now be associated with the new shareholder. In an allocation PFQ system, allocation would be distributed annually based on some permit and/or vessel characteristic (e.g. passenger capacity). A permit's assigned allocation may change based on the quota and the characteristic used to define the tier, or as the pool of permits with a characteristic changes over time. In this type of system, allocation assignments would need to be calculated before the start of every year.

The NMFS Southeast Regional Office currently maintains and supports the commercial Bluefin Tuna Individual Bluefin Quota program, which is a type of share PFQ. The structure of a share or allocation PFQ program for SRHS vessels could be incorporated into the current online system, with modifications to the system. Permits would hold allocation and/or shares in accounts within the IFQ system, and distribution, usage, and transfers would all be tracked by NMFS.

A PFQ program offers flexibility to SRHS vessel operators. Participants hold and determine the usage of their shares and/or allocation. A primary difference between IFQ and PFQ programs is the distribution and ability to transfer shares. In an IFQ the shares become disassociated from the landings history as they are assigned to an individual and may be transferred separately from the permit or vessel. In a share PFQ, the shares cannot be separated from the permit and do not belong to an individual. Consequently, the permit may gain an additional value through its association with a share percentage. In an allocation PFQ, there are no shares but the amount of annual allocation received is based on a characteristic of the permit/vessel. In this type of system, it is the combination of vessel and permit that may have added value.

**Table 2.8.** Comparison of four allocation-based management programs.

	Cooperatives	Regional Org	IFQ	PFQ
Shareholder	NA	NA	Account holder	Permit holder
Allocation Distributed by:	Manager	Manager	NMFS	NMFS
Annual Allocation Distributed to:	Vessels in the coop based on internal agreement	Vessels in the region based on bylaws	Individual accounts based on shareholdings	Permit accounts based on attributes associated with the permit
Share Transfers*	NA	NA	Between individuals with accounts	Must transfer permit to transfer shares
Allocation Transfers*	Within or between coops	Within or between regions	Between individuals with accounts	Between permit holders with accounts

\*Limitations may be set by the program.

Issues inherent to all allocation-based programs

Many issues will need to be addressed by the Council during development of any allocation-based program. Actions associated with these issues will be included in the amendment; however, the form of the action may differ depending on the program(s) chosen for further consideration.

- Objectives/evaluation – What are the objectives of the program? What are the expected outcomes for this component of the fishery?
- 
- Initial distribution – How will shares and allocation be calculated for each allocation unit (cooperative, regional organization, individual, or permit)? How will allocation be distributed to each allocation unit, and within an allocation unit if it is a group?
- Transferability – Can participants transfer shares? Can participants transfer allocation? Should such transfers be restricted? Should caps be set? Should a participant be required to hold a federal Reef Fish Charter/Headboat Permit to buy or sell shares and allocation?
- Use of allocation – Should a federal Reef Fish Charter/Headboat Permit be required to use allocation? Should participants be required to use allocation or risk losing it?
- Referendum – Which of these programs would need a referendum? The Magnuson-Stevens Act states: “the Gulf Council(s) may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program...unless such a system, as ultimately developed, has been approved by...a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed in to be included in the individual fishing quota program shall be eligible to vote in such a referendum.”

### **2.2.3 Fish Tags**

Fish tags could be used as a stand-alone allocation-based management approach, or as an enforcement and validation tool in conjunction with another allocation-based program. As a stand-alone program, fish tags would be used for granting harvest privileges and controlling harvest (Johnston et al. 2007). A fish tag program would involve the distribution of physical harvest tags, each of which would allow the angler possessing the tag to retain an individual fish per tag. After capture, the tag must be affixed to the fish, thereby identifying the individual fish as legally caught, and preventing the tag from being used to catch additional fish. The number of tags available each year would be determined by the amount of the recreational sector ACL for each species apportioned to the SRHS vessels in the program, divided by the average weight of each species caught on headboats. Any unused tags at the end of the year would be forfeit, and new tags would be distributed at the beginning of each year.

Fish tags could be distributed in multiple ways, including equal distribution among SRHS vessels, using criteria such as passenger capacity or regional variability in the abundance of each species, and/or historical landings. Alternately, fish tags could be distributed through a lottery or auction. The Council would evaluate and determine the features of the program, including methods of distribution and whether tags would be transferable among program participants.

A fish tag program could provide SRHS operators and their passenger anglers with greater flexibility as to when fish could be caught. However, it should not be assumed that all participating vessels would receive a quantity of tags they feel is sufficient to meet their clients' needs.

## **2.3. Allocation Issues**

For each reef fish species included in this management plan, a portion of the corresponding recreational quota must be allocated to the SRHS component prior to the development of management measures tailored to the specific needs of headboat survey vessels. As discussed in previous sections, reef fish landings from headboat survey vessels have been documented by the SRHS since 1986. Therefore, time series for the percentages of the recreational landings harvested by headboat survey vessels are available and could serve as a basis for apportioning quota between anglers harvesting reef fish from headboat survey vessels and other components of the recreational sector. Table 2.9 provides percentages of the recreational landings harvested by headboat survey vessels. If an allocation for all federally permitted for-hire vessels has already been determined for a given species, e.g., red snapper, then the percentages of the federal for-hire landings attributed to headboat survey vessels could be used to determine the allocation between charter and headboat vessels. The percentages of the recreational red snapper quota landed by private anglers, anglers fishing from charter vessels and from headboat survey vessels are provided in Table 2.10.

**Table 2.9.** Percentage of the recreational landings harvested by headboat survey vessels (2011-2015).

Year	Red Snapper	Gag Grouper	Red Grouper	Greater Amberjack	Gray Triggerfish	Black Grouper
2011	15%	7%	6%	6%	11%	100%
2012	14%	4%	5%	7%	7%	5%
2013	5%	2%	3%	5%	6%	67%
2014	10%	5%	3%	5%	4%	100%
2015	15%	7%	6%		11%	100%
<b>Average</b>	12%	5%	5%	6%	8%	74%

Source: SRHS, MRIP, MRFSS, LA Creel, TX Headboat Survey

**Table 2.10:** Percentages of the recreational red snapper landings harvested by charter, headboat, and private anglers (2011-2014).

Year	Charter	Headboat Survey Vessels	Private Anglers
2011	23%	15%	63%
2012	25%	14%	61%
2013	13%	5%	82%
2014	9%	10%	81%
<b>Average</b>	17%	11%	72%

Source: SRHS, MRIP, MRFSS, LA Creel, TX Headboat Survey

## 2.4. Measurement Units (Pounds or Number of Fish)

Recreational data collection programs such as the Marine Recreational Information Program (MRIP) and the SRHS estimate recreational harvests in number of fish caught and in pounds. For the management measures considered in this amendment, especially allocation-based programs, the distribution of the quota allotted to the SRHS component and between headboat vessels in the SRHS could be based on pounds or number of fish. Quota distributions to individual vessels expressed in pounds may be challenging for headboats as well as for managers due to the manner in which headboats operate (multitude of anglers on the vessels; typically fish are weighted, not counted). The estimation of an average weight per fish is required for the conversion of the headboat portion of the quota from pounds to number of fish. Due to temporal and spatial fluctuations in average weights, recorded landings have to be monitored during the year. For example, in the headboat collaborative pilot program, NMFS compares the pre-season average weight to the actual average weight during the season and makes adjustments if warranted. Port side sampling is crucial for these calculations and may need to be increased to accurately track average weights per region.



## 2.5. ACT Adjustments (Consider Smaller buffers)

The Magnuson-Stevens Act requires ACLs and AMs for most federally managed species. ACTs act as in-season AMs by decreasing the probability of landings exceeding the ACL. In the Generic ACL/AM Amendment<sup>2</sup> (GMFMC 2011b), the Council established a control rule to set ACLs and ACTs. This control rule determines a buffer between the ACT and the ACL based on stock assemblage, ability to constrain catch (i.e., history of overages), and precision of landings.

Because the new management program would create a separate quota for SRHS vessels and potentially a method of absolute counting, the Council could revisit the control rule and consider different buffers. However, if the Council chooses to set the SRHS vessel component quota in numbers rather than pounds, the method of counting would no longer be absolute; the ACLs are set in pounds, so the quota would need to be converted to numbers, and conversions create uncertainty. Fish weights can vary from year to year, so basing a conversion on the average weight from one year might lead to inaccuracies the next year.

For red snapper, the Council implemented a recreational ACT that is 20% below the recreational ACL based on the control rule, first through an emergency rule in response to a judge's order<sup>3</sup>, and then through a framework action implemented in 2015. The buffer for greater amberjack is 13% and the buffer for gray triggerfish is 10%, as set using the control rule. The gag buffer is 10% and the red grouper buffer is 9%; however, these buffers were set before the control rule was developed. Black grouper is part of the shallow-water grouper complex (SWG). The buffer for SWG is 5%. Because the recreational allocation of SWG is based entirely on black grouper landings, the SWG buffer is essentially the current black grouper buffer.

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<sup>2</sup> Full title: Final Generic Annual Catch Limits/Accountability Measures Amendment for the Gulf of Mexico Fishery Management Council's Red Drum, Reef Fish, Shrimp, Coral and Coral Reefs Fishery Management Plans.

<sup>3</sup> *Guindon v. Pritzker*, 2014 WL 1274076; D.D.C. Mar. 26, 2014

## **APPENDIX A: HEADBOAT AP MEETING SUMMARY**

**Summary for the Ad Hoc  
Headboat Reef Fish Advisory Panel  
New Orleans, LA  
May 19, 2015**

**Panel Members**

Pam Anderson  
Randy Boggs  
Clifton Cox  
Jim Green  
Chad Haggert  
Mark Hubbard

**Council and Staff**

Myron Fischer  
Assane Diagne  
Ava Lasseter  
Karen Hoak

**Panel Members cont'd**

Kelly Owens  
Charles Paprocki  
Tom Steber  
Skipper Thierry  
Dustin Trochesset  
John Williams

**Attendance-Others**

Jeff Barger  
Kristen McConnell  
Jessica Stephen  
Shane Cantrell  
Ken Brennan  
J.P. Brooker  
Tim Hobbs  
Elbert Whorton

The meeting was convened at 8:30 a.m. The AP elected Randy Boggs as Chair and Mark Hubbard as Vice-Chair. The Chair read the charge to the AP, which is to make recommendations to the Council relative to the design and implementation of flexible measures for the management of reef fish for the headboat component of the for-hire sector.

Ken Brennan gave a presentation on the geographical distribution of headboats participating in the Southeast survey and their reef fish landings. AP members discussed how to differentiate charter boats and headboats and staff added that for the purpose of a management plan, headboats would be defined as those participation in the Southeast Headboat Survey (HBS).

AP members discussed the species to include in a management plan for the headboat fleet. Staff noted the reef fish species for which sector allocations currently exist and the AP passed the following motion:

- **To investigate the possibility of managing all 6 major reef fish species in this management plan (red snapper, gag, red grouper, greater amberjack, gray triggerfish, and black grouper).**

AP members discussed whether headboats should be managed as a stand-alone component and the benefits and obstacles of different management approaches. Staff noted that headboats participating in the HBS had recorded landings histories, while charter boats do not. An AP member expressed concern with further dividing the recreational sector, stating the sector will be stronger if they do not separate into subgroups, which diminishes their collective voice. The AP

member added that aiming toward a year-round fishery would require catch shares, but providing flexibility for different fishing seasons could be accomplished under regional management. Other AP members preferred to be managed separately, citing the increased access provided to passengers fishing under the headboat collaborative and the flexibility of the allocation-based headboat collaborative which allows operators to decide when to fish and use quota. The AP passed the following motions:

- **That headboats be acknowledged as a stand-alone component of the recreational sector. This would include all vessels with federal for-hire reef fish permits that participate in the Southeast Region Headboat Survey (Beaufort survey).**
- **To recommend to the Council to develop a management approach that provides year round fishing opportunities for headboat businesses and anglers, stability in business plans, safety at sea, improved data collection, reduced discards, and accountability to catch limits.**
- **To recommend to the Council that the headboat management plan be allocation based on reported landings by the Beaufort headboat survey (HBS).**

AP members discussed enforcement and validation tools, such as vessel monitoring systems (VMS) or fish tags. Those opposed to VMS felt it was expensive and unnecessary for hailing out and hailing in, especially for headboats which follow tight, predictable schedules, and that other options were available. Other AP members responded to those concerns, noting the reliability of the VMS units and flexibility to use other options for hailing in. The AP passed the following motion:

- **To recommend to Council that enforcement tools for monitoring are:**
  - **VMS used for hail-out/hail-in on all trips, landings notification on fishing trips**
  - **Tags used to improve enforcement**
  - **Electronic logbooks submitted to the Beaufort survey on the same day as each fishing trip.**

AP members discussed the transferability of allocation under an allocation-based management system. Concern was expressed that transferability could result in increased costs for passengers to retain fish, and that allocated fish should not be purchasable by other vessels, but be returned and be redistributed fairly. Those in support of transferability argued it allowed for flexibility in the management plan. The AP also discussed management costs of a new headboat management plan,. The AP passed the following motions:

- **The advisory panel supports transferability of headboat allocations among participants in the headboat component, consistent with MSA guidelines on transferability, but without inter-sector trading.**
- **To recommend to the Council to consider how management costs can be shared between the NMFS and the headboat component of the fishery.**

Staff noted that both the Ad Hoc Charter AP and this Ad Hoc Headboat AP passed motions recommending separate management of charter boats and headboats. To accomplish separate management, the for-hire component's quota would need to be divided between charter boats and headboats. Headboats that participate in the HBS have landings histories which could be used as the basis for allocating between the for-hire components and an AP member stated that headboats have accounted for 32 to 36% of red snapper landings. The AP passed the following motions:

- **To recommend to the Council that the headboat component become a subsector of the for-hire sector/component, and that allocation based fisheries be deemed from our historical Beaufort headboat survey data, using the formula from Amendment 40.**
- **To recommend to the Council that this panel reconvenes as soon as possible to continue advising on the headboat component for the reef fish fishery.**

Continuing to manage headboats with bag limits, size limits, and seasons was discussed, but those opposed stated that traditional management approaches have not worked. Additional discussion concerned identifying data needs and improving accountability for the fleet, with the goal of reducing uncertainty and removing the 20% buffer to the recreational quota. AP members asked headboat collaborative participants about the program, including customer perceptions, use of tags, and bag limits. An AP member noted that one of the challenges of the program was that more people could not participate. The AP passed the following motion:

- **To recommend to the Council that the key components of the headboat EFP be considered for allocation-based management of headboats.**

Following review of their recommendations, the AP meeting was adjourned at 3:30 pm.

**All meeting motions including substitute and failed motions:**

Motion: That red snapper and gag grouper be the primary species that this management plan encompasses.

Substitute motion: To investigate the possibility of managing all 6 major reef fish species in this management plan (red snapper, gag, red grouper, greater amberjack, gray triggerfish, and black grouper)

**Substitute Motion carried 8 to 3**

Motion: That headboats be acknowledged as a stand-alone component of the recreational sector. This would include all vessels with federal for-hire reef fish permits that participate in the Southeast Region Headboat Survey (Beaufort survey).

**Motion carried 11 to 1**

Motion: To recommend to the Council to develop a management approach that provides year round fishing opportunities for headboat businesses and anglers, stability in business plans, safety at sea, improved data collection, reduced discards, and accountability to catch limits.

**Motion carried 11 to 1**

Motion: To recommend to the Council that the headboat management plan be allocation based on reported landings by the Beaufort headboat survey (HBS).

**Motion carried 10 to 2**

Motion: To recommend to Council that enforcement tools for monitoring are:

- VMS used for hail-out/hail-in on all trips, landings notification on fishing trips
- Tags used to improve enforcement
- Electronic logbooks submitted to the Beaufort survey on the same day as each fishing trip

**Motion carried 8 to 4**

Substitute motion: To recommend to the Council that enforcement tools, an app, or a traditional logbooks be used, with a call-in/call-out component that do not require VMS.

Motion failed 4 to 7

Second substitute motion: To use an allocation based management system, that a VMS system will be required. With a traditional management system (size limits, bag limits, seasons, etc.) that VMS not be required.

Motion failed for lack of a second

Motion: The advisory panel supports transferability of headboat allocations among participants in the headboat component, consistent with MSA guidelines on transferability, but without inter-sector trading.

**Motion carried 11 to 1**

Substitute motion: That if the Council chooses to move towards an allocation based management system, that there will not be a monetary value assigned to the allocation for transferability.

Motion failed 10 to 2

Motion: To recommend to the Council to consider how management costs can be shared between the NMFS and the headboat component of the fishery.

**Motion carried 9 to 2**

Motion: To recommend to the Council that the headboat component become a subsector of the for-hire sector/component, and that allocation based fisheries be deemed from our historical Beaufort headboat survey data, using the formula from Amendment 40.

**Motion carried 11 to 1**

Motion: To recommend to the Council that this panel reconvenes as soon as possible to continue advising on the headboat component for the reef fish fishery.

**Motion carried with no opposition**

Motion: To recommend to the Council to manage the headboat fleet with seasons, bag limits, and size limits along with additional appropriate accountability measures, allowing scientists to determine what data they need, and applying that request of data to the current headboat survey.  
Motion failed 2 to 9

Motion: To recommend to Council that a management plan for the headboat sector be designed closely mirroring the headboat EFP.  
Motion carried 10 to 2

Motion: to reconsider prior motion

**Motion carried 7 to 3**

Substitute Motion: To recommend to the Council that the key components of the headboat EFP be considered for allocation-based management of headboats.

**Revised Substitute Motion carried 8 to 3**