

**Reef Fish Management Committee Report
October 18-19, 2016
Johnny Greene – Chair**

**Review of Proposed Regulations on the Flower Garden Banks National Marine Sanctuary
(Tab B, No. 4)**

The Committee was presented with the proposed regulations for the expansion of the Flower Garden Banks National Marine Sanctuary (FGBNMS). The proposed regulations are based on a tiered approach. Staff also presented the Reef Fish AP comments and motions on this document. In the proposed document the first tier coincides with existing Bureau of Ocean Energy Management (BOEM) no activity zones and the document proposes to make these areas into “no bottom tending gear” zones. Traditional hook-and-line fishing (including bandit rigs) would be allowable in these zones. The second tier would be the area outside the BOEM no activity zones but inside the boundaries of the proposed FGBNMS expansion. This tier would allow bottom tending gear and anchoring but would exclude bottom trawling, traps and dredges. The third tier would be outside the boundaries of the proposed expansion and would not have any FGBNMS imposed regulations. The document also includes recommendations for an endorsement, anchor restrictions, and mooring buoys.

Staff presented the Committee with specific recommendations for each of the proposed expansion areas in the FGBNMS Preferred Alternative 3. Mr. Schmahl, FGBNMS Superintendent, answered questions regarding current regulations, oil and gas exploration and exemptions in the sanctuary. He also provided input on the current recommended regulations document. Mr. Schmahl stated that there could be further discussion with the Council regarding the proposed regulations submitted to the FGBNMS on the expansion areas. The Committee discussed different types of endorsements and also discussed anchor types/regulations. Staff was instructed to make recommendations consistent for each area (a three tiered approach for *all* sanctuary areas). Staff has revised the language in the document to reflect two different types of endorsements and anchor regulations, and this is provided in track changes for the Council’s review. The Council is requested with making a motion about forwarding the white paper along with a letter to the FGBNMS regarding the proposed regulations by the December 2016 deadline.

SEDAR 47 Goliath Grouper Benchmark Assessment (Tab B, N. 5b)

Mr. Joe O’Hop (Florida Fish and Wildlife Research Institute) gave a brief presentation via webinar summarizing the main points of the goliath grouper assessment and the reasons why it was not accepted by the SEDAR Review Panel. The assessment used two methods to model the stock; a catch-free model and an age-structured surplus production model. However, neither analysis was accepted for management purposes. The Review Panel made recommendations for

a designed fishery-independent survey which would provide more acceptable data to examine changes in population abundance and distribution for this species. The SSC representative, Dr. Joe Powers, summarized the SSC's comments noting that the SSC concurred with the Review Panel report. Staff reviewed the Reef Fish AP comments. A Committee member suggested that some take of goliath grouper be allowed in order to obtain data needed to conduct an assessment. A slot limit was suggested to avoid the mercury concerns. No motions were made by the Committee.

Draft Framework Action – Mutton Snapper ACL and Management Measures and Gag Commercial Size Limit (Tab B, No. 6)

The Committee reviewed the draft framework action that would revise mutton snapper and gag management measures. The Committee reviewed Action 3 which considers changes to commercial trip limits. The Committee discussed that trip limits may not be an effective management measure to reduce harvest when using bottom longline gear and that imposing commercial trip limits would result in unnecessary regulatory discards.

With no opposition, the Committee recommends and I so move: To move Action 3 to Considered but Rejected.

The Committee also reviewed **Action 4** which considers changes to the minimum size limit for mutton snapper. The Committee discussed the necessity of **Alternatives 2 and 4** as the other Alternatives capture a reasonable range.

With no opposition, the Committee recommends and I so move: That in Action 4, to move Alternatives 2 and 4 to Considered but Rejected.

Draft Amendment 42 – Reef Fish Management for Headboat Survey Vessels (Tab B, Nos. 7a and 7b)

Review of Draft Amendment

Staff reviewed management actions and issues requiring further consideration by the Council. The Committee discussed bag limits and indicated that recreational bag limits would continue to be in effect under the fishing quota program for landings history vessels. Staff noted that inclusion in the Southeast Headboat Survey beyond the December 31, 2015 control date is not required to participate in the fishing quota program under development. Staff also noted that, for the species included in the amendment, the possession of a landings history vessel permit or endorsement to the reef fish for-hire permit would not allow the harvest of these species outside of the fishing quota program. The Committee discussed an alternative time series for the ACL allocations to the fishing quota program. The Committee noted that for allocation of gag and red snapper, the reef fish species included in the Headboat EFP, the time series should exclude 2014 and 2015. The Committee made the following motion:

Without opposition, the Committee recommends and I so move: In Action 5, to include in Alternatives 2, 3, and 4 an Option to exclude 2015.

The Committee noted that instead of separate options excluding 2014 or 2015, an option excluding both years would be added.

Final Action – Referendum Eligibility Requirements

Staff discussed the proposed eligibility criteria for participation in the referendum that must be conducted prior to the Council's decision to submit Amendment 42 for Secretarial review. Committee members reviewed the criteria proposed and made the following motion:

Without opposition, the Committee recommends and I so move: To adopt Alternative 2, Option b as the Preferred Alternative.

Ms. Susan Gerhart presented a timeline consistent with a January 1, 2018 implementation of Amendment 42. The Committee discussed next steps, including sending a letter to NMFS to request the initiation of the referendum process.

Preliminary 2016 Red Snapper For-hire Landings Relative to ACT (Tab B, No. 8)

Mr. Dale Diaz reviewed the preliminary federal for-hire and private vessel red snapper landings for 2016 through Wave 4. Although the landings exclude Texas data and are incomplete, the for-hire component appears to be harvesting less fish to date than it did in 2015 and is on track to finish the year under both its ACL and ACT. This suggests that the for-hire ACT buffer might be reduced. However, the private component has already exceeded its ACL, and the season remains open in several states. As a result, if the ACT buffer is reduced for the for-hire component, it may need to be increased for the private component. If the combined catches from both components exceeds the recreational ACL, payback provisions will be triggered. Committee members noted that there will be more information about the 2016 catch levels at the next Council meeting and suggested that this be put back on the Reef Fish Committee agenda for January.

Draft Amendment 46 – Gray Triggerfish Rebuilding Plan (Tab B, No. 9a)

Dr. Powers reviewed the SSC recommendations and motion on the recreational and commercial decision tools. Staff provided an overview of the action and alternatives in Amendment 46 and briefed the Committee on the status of the document. The IPT has currently drafted sections 1-3, and staff plans to bring a public hearing draft to the Council in January. Staff also reviewed the Reef Fish AP recommendations on gray triggerfish action by action.

For Action 1 – Establish a rebuilding time period for gray triggerfish, a motion was made to make Alternative 5, establish a 10-year rebuilding time period, the preferred alternative. Dr. Crabtree did not feel the agency could support a rebuilding time period of 10-years since it is the maximum time frame the Council is allowed and the stock was not adequately rebuilding. After

discussion the Committee passed the following substitute motion:

Without opposition, the Committee recommends and I so move: In Action 1, to make Alternative 4 the Preferred Alternative.

Alternative 4: Establish a rebuilding time period of 9 years or by the end of 2025.

Staff explained that that Action 1 alternatives dictate the options that can be used in Action 2. The Committee questioned when the 2017 season information would be released for gray triggerfish given that the preliminary landings indicate that 239% of the ACT and 210% of ACL are estimated to have been landed by the recreational sector in 2016. The Committee noted that the no action alternative was a valid alternative because it was within the range of ABC recommendations for catch levels made by the SSC and meets the 9-year rebuilding plan.

Without opposition, the Committee recommends and I so move: In Action 2, to make Alternative 1 the Preferred Alternative.

Alternative 1: No Action. Retain the gray triggerfish sector ACLs and ACTs as developed in Amendment 37 and has been in effect since 2012.

ABC	Commercial ACL	Recreational ACL
305,300	64,100	241,200
	Commercial ACT (quota)	Recreational ACT
	60,900	217,100

Staff reviewed the three recreational management actions (fixed closed season, bag limit, and minimum size limits). Staff also review the LETC and Reef Fish AP recommendations regarding each of these sub-actions. Staff reminded the Committee that the recreational decision tool allows the Council to consider an effort shifting percentage (0-100%) for each mode (charter vessels, private anglers, and headboats). The Committee did not make any motions on the recreational management measures.

Staff reviewed Action 4 modifications to the commercial trip limit and explained there were alternatives to increase and decrease the commercial trip limits. Since the implementation of 12-gray triggerfish trip limit and fixed closed season (June 1- July 31) the commercial sector was 31% and 23% below the quota (ACT) in 2014 and 2015, respectively. Staff reviewed the LETC recommendations on the proposed trip limit alternatives. They stated that it is easier for law enforcement to count a number of fish than to assess a weight of less than 100 pounds.

Without opposition, the Committee recommends and I so move: In Action 4, the commercial trip limits be expressed in numbers of fish.

Staff reminded the Committee that the Reef Fish AP had also requested the consideration of a 16 fish trip limit which is not currently in the document.

Without opposition, the Committee recommends and I so move: In Action 4, to add an Alternative to increase the commercial trip limit to 16 fish.

Staff reminded the Committee that a public hearing draft will be brought to the Council in January and requested the Council select public hearing locations. Staff reminded the Committee of the locations and participation for Amendment 37 in 2012.

The Committee selected the following public hearing locations:

Alabama: Spanish Fort (Five Rivers Facility)
Florida: Destin, St. Pete Area
Louisiana: Via Webinar Only
Mississippi: Via Webinar Only
Texas: Galveston, Corpus Christi

Draft Amendment 41 – Red Snapper Management for Federally Permitted Charter Vessels (Tab B, Nos. 10a, 10b)

Staff reviewed the revised actions in Draft Amendment 41 (**Tab B, No 10a**) alongside the recommendations of the Ad Hoc Red Snapper Charter AP (**Tab B, No. 10b**). For Action 3, Alternative 4, the Committee clarified that passenger capacity should be based on each vessel, not tiers of passenger capacity. Dr. Jessica Stephen presented a preliminary decision tool for the various charter vessel allocations that could result from the alternatives and options in Action 3. She will also incorporate the AP recommendations into the tool for informational purposes. For the metric of historical landings by region, staff requested clarification on the Council’s motion from the last meeting to combine Mississippi and Alabama as a single region. The Committee requested an analysis of Mississippi and Alabama as separate regions and for the two states as a single region. Staff will add a sub-action to provide this analysis.

Draft Amendment 36A – Commercial IFQ Program Modifications (Tab B, No. 11)

Staff reviewed the actions in Draft Amendment 36A (**Tab B, No. 11**) alongside recommendations from the Reef Fish AP (**Tab B, No. 13**) and the Law Enforcement Technical Committee (**Tab L, No. 5**). Discussing the expansion of the hail-in requirement to reef fish vessels landing non-IFQ species, the Committee noted that to improve enforcement, it would be necessary for law enforcement to be able to access where landings are made. Jessica Stephen noted that NMFS is working with the VMS vendors to modify how fishermen enter their landing location. This will allow for the addition of many more approved landing locations in the system. The Committee then made the following motion.

**Without opposition, the Committee recommends and I so move:
In Action 1, to modify the Alternatives to reflect that landings occur at a preapproved site.**

In Action 2, staff noted that the amount of shares held in inactivated accounts has continued to

decline. Across all IFQ share categories, there are currently less than 32,000 pounds of quota held in the inactivated accounts. Noting the relatively small amount of quota and complicated method for distributing inactivated shares as proposed in Alternative 4, the Committee passed the following motion.

Without opposition, the Committee recommends and I so move: In Action 2.2, to move Alternative 4 to Considered but Rejected.

Alternative 4: Redistribute red snapper shares among grouper-tilefish shareholders in proportion to their shareholdings and redistribute grouper-tilefish shares among red snapper shareholders in proportion to their shareholdings.

The Committee discussed Action 3, to retain annual allocation before an anticipated quota reduction. Dr. Crabtree noted that it is possible to reduce a quota after the beginning of the year in the recreational sector, but this is not possible for commercial IFQ species, as allocation is distributed at the beginning of the year. Some Committee members were concerned about the impacts of quota released late in the year. Dr. Crabtree noted that it would not be likely to release withheld quota. The Council would have already approved an action to reduce the quota and it would be unlikely for the action not to be implemented. For informational purposes, staff will add the frequency distribution of IFQ landings by month to the document.

The Committee discussed Action 4 which would require dealers to notify NMFS of the time offloading would begin. Dr. Crabtree noted that this could be difficult to do and that law enforcement is not in support. Mr. Walker suggested gathering additional public comment. Discussing public hearings, the Committee agreed that staff would use a direct mailing to commercial reef fish permit holders and shareholders to solicit public comment. Staff will also hold one public hearing by webinar.

Standing and Reef Fish SSC Report (Tab B, No. 12)

Dr. Powers reviewed the summary of items that have not been reviewed under other agenda items. This included a discussion on limit and target reference points and MSY proxies for reef fish, a review of ABC control rule alternatives, and a discussion on carryover of red snapper quota underharvests. The SSC considered the formation of an ad hoc working group on MSY proxies, but felt they should wait until the data-poor stock assessment review is done. In the interim, several of the social scientist and economists on the SSC agreed to put together a discussion on risk and uncertainty associated with choosing MSY proxies from a socioeconomic viewpoint. In the future, expanded use of management strategy evaluation (MSE) techniques should help to better identify sources of scientific variability. Dr. Ponwith noted that the SEFSC is in the process of hiring a MSE specialist.

Regarding carryover of unharvested ACL to the following year, SSC members felt that the totality of data and analysis needed to consider an ABC adjustment to allow a carryover to occur would require the equivalent of an update assessment. However, the SSC was aware that the Council is looking for a simpler solution. Two alternative approaches were suggested. One

method would be to allow the unharvested amount minus natural deaths to be carried over, i.e., $(1-M) \times \text{underharvest}$. Another method would be to conduct simulations to determine what level of carryover could be allowed without affecting rebuilding. Both of these methods would require further evaluation to determine if they are feasible. Council members felt that the issues associated with carryovers could be addressed in a plan amendment, and they would like to proceed with a plan amendment. Staff noted that the amendment is on the Action Schedule and a document will be presented to the Council in January.

Reef Fish AP Summary (Tab B, No. 13)

Staff reviewed the following remaining Reef Fish AP agenda items that were not covered: vermilion snapper assessment and draft options; discussion on carryover of unharvested red snapper ACL; and other business: recreational and commercial allocation exchange.