

Gulf of Mexico Fishery Management Council

August 2023 Update and Liaison Report



The Gulf of Mexico Fishery Management Council met in Austin, Texas, August 14-17, 2023. Three new Council members: Capt. Ed Walker, Dr. Kesley Banks, and Dr. Anthony Overton, were each inducted to serve on the Council for a three-year term. The Council elected Kevin Anson as Chair and J.D. Dugas as Vice Chair, each for a one-year term. The following is a summary of the Council's actions:

Recreational Data Collection

The Council heard a presentation from NOAA's Office of Science and Technology about the federal recreational effort estimates generated using the Marine Recreational Information Program's (MRIP) Fishing Effort Survey (FES). While the survey does use standard practices, a pilot study recently found that switching the order of the survey questions resulted in a significant decrease in estimated effort of private recreational anglers. NOAA's Office of Science and Technology estimates that the FES estimates could be overestimating private recreational effort by as much as 30-40%. MRIP-FES has been used to monitor private recreational landings since 2018, and harvest estimates generated by FES have been incorporated into stock assessments for multiple Gulf species. The Council has made management decisions for red grouper, lane snapper, king mackerel, cobia, vermilion snapper, greater amberjack, gray snapper, and gag grouper using stock assessments and landings estimates informed by FES. NOAA's Office of Science and Technology informed the Council that it will administer a year-long pilot study during 2024 to determine the magnitude of the reporting errors that were identified in the first pilot study. The Council will consider potential impacts to future actions that will be impacted by FES estimates, and ask the NOAA's Southeast Fisheries Science Center and Southeast Regional Office to work with Council staff to outline a proposed action plan for handling identified management issues.

Yellowtail Snapper

Yellowtail snapper is jointly managed with the South Atlantic Fishery Management Council. During this meeting, the Gulf Council continued work on South Atlantic Snapper Grouper Amendment 44 / Gulf of Mexico Reef Fish Amendment 55: Catch Level Adjustment and Allocations for Southeastern U.S. Yellowtail Snapper. A SEDAR 64 interim analysis (2022) updated landings estimates through 2020, and found that yellowtail snapper is not overfished nor is it experiencing overfishing. The Councils are working to update yellowtail snapper catch limits based on the SEDAR 64 Interim Analysis, including the jurisdictional apportionment between the Gulf and South Atlantic Councils. Because there are currently two alternatives that result in the same jurisdictional apportionment using different methods, the Gulf Council suggested that the South Atlantic Council remove consideration of an alternative to streamline

the document. The Gulf Council is expected to continue work on this document during the October Council meeting after the South Atlantic Council meeting in September.

Spanish Mackerel

The Council heard results of the most recent Spanish mackerel stock assessment (SEDAR 81 2023). The assessment incorporated new recreational landings data and determined that as of 2021, Spanish mackerel is not experiencing overfishing nor is it considered to be overfished. However, landings and catch-per-unit-effort have both decreased in recent years and commercial and recreational harvest have consistently been much lower than the annual catch limit. As a result, the Council's Scientific and Statistical Committee set new catch advice that represents a slight decrease in allowable harvest. The Council initiated work on document that will update catch limits consistent with the SSC recommendations.

Proposed Engagement in Mackerel Port Meetings

Council staff gave an overview of the South Atlantic Fishery Management Council's plan to conduct a series of port meetings from Florida to Massachusetts with a focus on mackerel to gather input from fishermen to guide the SA Council on updating the Coastal Migratory Pelagic (CMP) Fishery Management Plan and modifying management measures for king and Spanish mackerel. Given that CMP species are jointly managed, the Gulf Council has an opportunity to participate in a complementary effort. Council staff compared participation between public hearings and virtual tools (i.e., Fishermen Feedback, video views, and webinars) and noted the historic low participation to in-person CMP-focused meetings. Given that virtual tools seem to have a wider-reach and capture responses from our constituents more efficiently, the Committee recommended moving forward with a virtual approach, but also asked staff to consider ways to enhance feedback from CMP anglers during scheduled Council meetings.

For-Hire Reporting

The Council decided to create an Ad Hoc For-Hire Advisory Panel to advise the Council as it works on a document that will consider establishing a for-hire data collection program to replace the Southeast For-Hire Integrated Electronic Reporting Program (SEFHIER). The Panel will be charged with providing Gulf-wide stakeholder insight on the development of a new electronic data collection program for the charter for-hire and headboat fishing industry. The Panel should consider lessons learned from SEFHIER and discuss strategies that would enhance the timeliness, accuracy, and quality of the data for the federal for-hire fleet. The Panel will be populated with active for-hire industry participants. Applications to participate on the Panel will be solicited as soon as possible and the Council plans to appoint members during the October Council meeting.

Gag Grouper

The Council began work on a document that considers modifying management measures to ensure that gag harvest is constrained to new, lower catch limits selected in Reef Fish Amendment 56. The Council decided not to include black grouper for consideration of changes to the bag limit, and asked that more recent data be used in the catch analysis used to inform consideration of potential gag bag limit reductions on the recreational season duration. The Council also decided to address potential spatial area closures in a separate document. The document also considers creating a recreational vessel limit for gag and black grouper, and a

commercial spawning season closure. The Council plans to continue work on this document during the October Council meeting.

Shallow-Water Grouper

Scamp, yellowmouth grouper, black grouper, and yellowfin grouper are managed together, with a shared annual catch limit, within the shallow-water grouper complex. New catch recommendations for scamp and yellowmouth were recently generated from a stock assessment (SEDAR 68 2021) and new catch recommendations for black grouper and yellowfin grouper were generated using historical landings information. The Council continued work on a document that considers setting new catch limits for shallow-water grouper species. The document considers whether to continue managing all four species together or to separate the shallow-water grouper complex into separate sub-groups. The Council plans to continue work on this document during a future Council meeting.

Greater Amberjack

The Council continued work on a Framework Action that considers modifying the recreational closed season and the commercial trip limit. These changes are being considered to ensure that harvest is constrained to catch limits that were recently set to allow the greater amberjack stock to rebuild by 2027. During a previous meeting, the Council selected a preferred alternative that would modify the recreational season to open September 1 and remain open until October 31 or when the annual catch target is expected to be met, whichever occurs first. During this meeting, the Council selected a preferred alternative that would create a 7-fish commercial trip limit, which aims to extend the commercial season duration. The Council plans to solicit public comment before taking final action during the October Council meeting.

Critical Habitat Designation

Rice's Whale

The Council heard a presentation on a proposed rule to establish critical habitat designation for Rice's whales in a 73,220 square mile area between 100 and 400 meters on the continental shelf and slope. This proposed critical habitat designation is separate from the speed zone petition, which is still under review by NOAA. The proposed critical habitat designation would not create any new regulations or restrictions on fisheries or recreational boating. The designation would require entities proposing action in the area to undergo a consultation process with NOAA to evaluate and mitigate any adverse impacts that the proposed action would have on the critical habitat. NOAA Fisheries will accept comments on the proposed critical habitat designation for Rice's whales until September 22, 2023.

Sea Turtles

NOAA presented the Council with a proposed rule to designate critical habitat for six green sea turtle distinct population segments listed as threatened or endangered under the Endangered Species Act. Critical habitat designations do not typically directly affect people engaged in recreational boating and fishing. NOAA Fisheries will accept comments on the proposed critical habitat designation for green sea turtles until October 17, 2023.

Hard Corals

NOAA reviewed a final critical habitat designation for five Caribbean coral species and informed the Council that the Section 7 consultation process under the Endangered Species Act will be reinitiated for the Gulf reef fish fishery. This consultation aims to determine how the reef fish fishery may impact critical habitat for the corals.

Recreational Management Initiative

The Council discussed its progress on an initiative that aims to evaluate the efficacy of current recreational reef fish management and develop management approaches and guidance to prevent overfishing, address discards, account for uncertainty in data, and provide innovative new management approaches to regulating federally-managed recreational fisheries. The Council discussed the potential of hiring a consultant to facilitate the initiative.

Highly Migratory Species

The Council received a presentation on three management measures being considered by NOAA's Office of Highly Migratory Species: Amendment 15 considers options for HMS spatial management; Amendment 16 will establish catch limits for non-prohibited shark species and consider options for including management flexibility to optimize quota harvest; and a proposed rule considers transitioning towards streamlined electronic logbook reporting. The Council plans to submit comments on each of the issues that reflect Council and stakeholder recommendations and concerns.

Proposed Updates to National Standards 4, 8, and 9

The Council reviewed and approved a draft letter that will be submitted to NOAA Fisheries on a proposed rulemaking to potentially update National Standards 4, 8, and 9. The Committee requested that the letter be amended to include the inclusion of social and economic factors into the stock assessment above and beyond the typically biological information to better inform fair and equitable allocations decisions that would go beyond the use of historical landings. They concurred with what was drafted regarding the difficulty in diversifying fishing practices and would benefit from additional discussion in the ANPR. The Committee also agreed that the proposed description of "community" should not include "geographic" or "substantial" as part of the definition. Finally, the Committee suggested revising the first sentence of the National Standard 9 section of the letter. Staff will work on revising the letter for review and approval by the Council chair prior to the submittal deadline.