5/20/15

Modifications to Gulf Reef Fish and South Atlantic Snapper Grouper Fishery Management Plans

DECISION DOCUMENT

JOINT SAFMC/GMFMC MEETING
JUNE 11, 2015
KEY WEST, FLORIDA

Draft Joint Generic Amendment For the Joint Council Committee on South Florida Management Issues

This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA10NMF4410011.

CHAPTER 1. INTRODUCTION

1.1 Background

The Joint Council Committee on South Florida Management Issues (Joint Council Committee) was formed in response to a South Atlantic Fishery Management Council (South Atlantic Council) motion in June 2011. The group was first convened in January of 2014 to begin discussing management needs of south Florida species, which roughly refers to those areas adjacent to the Floridian peninsula and south of 28° North latitude. The South Atlantic Council appointed their Executive Committee to represent the Council during development of this amendment with recommendations going from the Executive Committee to the South Atlantic Council. The Gulf Council appointed an Ad Hoc Committee to represent the Gulf Council with recommendations going first to the Reef Fish Committee and then the Gulf Council.

Prior to the Joint Council Committee meetings, the Florida Fish and Wildlife Commission (FL FWC) held a series of South Florida workshops in August of 2013. The results of these workshops were discussed at the January 2014 Joint Council Committee meeting and the full summaries are in Appendix A. These workshops and the public input at the Committee meetings represent scoping as required by MSA and NEPA.

The Commission and Councils are responding to various suggestions for addressing the inconsistencies in management across the three jurisdictions (Gulf Council, South Atlantic Council, and State of Florida) in south Florida that arose prior to and during the scoping workshops and Committee meetings. Major suggestions are discussed below with an explanation of why they were not further developed.

Separate South Florida Council

Establishing a separate Council for South Florida would be time consuming, expensive, and duplicate already existing management authority. Requirements would include congressional establishment of a new Council, appointment of staff, office space, equipment needs, etc. Also, this would introduce yet a fourth management body with which affected fishermen and the general public would need to work. The Councils concluded this is was an efficient or effective approach.

Separate Management Area for South Florida

The Joint Committee discussed several potential boundaries (e.g., 28° latitude South, Cape Canaveral and Tampa Bay) but recognized that a number of the affected species occur north of these lines in Florida. This approach would require creation of a set of Annual Catch Limits (ACLs) for the new area and would increase the administrative burden on NMFS to track quotas and close areas. The Councils concluded this was not an effective approach.

Secession by Florida from the Gulf and South Atlantic Councils

Similar to creating a separate "South Florida Council", a change such as this approach would require legislation to enact, and would require a significant amount of time and resources. If the State of Florida was successful in this effort, then a commensurate set of regulations would still

have to be developed and fishermen would still be operating under three management jurisdictions. The Councils concluded this was not an efficient or effective approach.

Streamlining management measures in South Florida

During the spring of 2014, the South Atlantic Council held port meetings in south Florida as part of their visioning project to develop a long-term vision and strategic plan for the snapper-grouper fishery. Stakeholder input received at these meetings echoed the sentiment heard during the Joint South Florida Issues workshops held by FL FWC in August 2013. Stakeholder concerns during the port meetings included, but were not limited to: inconsistent regulations between Florida and the two federal jurisdictions (size limits, bag limits, and seasons); spawning season closures; circle hook requirements; and species specific concerns about black grouper, yellowtail snapper, and mutton snapper. Based upon growing stakeholder concern and feedback, the Joint Committee moved forward with development of an amendment that would address the concerns mentioned above.

The Councils concluded the most efficient and effective approach was to create a joint amendment that establishes a common set of management regulations developed by a joint committee comprised of representatives of the Gulf Council, the South Atlantic Council, and the State of Florida. The Councils and Florida are evaluating a large suite of management alternatives to address stakeholder concerns, and to more efficiently respond to necessary regulatory changes as they arise.

During the second meeting, the Joint Committee reviewed a draft document organized by type of action with sub-alternatives for each species involved (management-oriented actions), but found this approach to be unnecessarily complicated. The Joint Committee then changed their approach to the discussions and organized the actions by separate species and addressed each type of action that applied to that species (species-oriented actions). They directed staff to further develop the actions/alternatives using this organizational structure (species-oriented actions). This structure facilitates the development of specific, and yet homogenous, management alternatives for each species throughout the south Florida region.

The organizational structure was again discussed during the third meeting. NOAA General Counsel thought the document would be improved if the actions/alternatives were organized by type of action with sub-alternatives for each species (management-oriented actions). However, the Joint Committee was more comfortable with the current structure organized by species and also thought the public would better understand the proposed alternatives with this structure. The Joint Committee directed staff to maintain the current structure (species-oriented actions).

The NMFS/NOAA GC and Gulf Council staff members of the IPT are suggesting the document be reorganized by major action as was done originally to reduce duplication and reflect the more common structure of documents. The alternative structure is included as **Attachment 3b**.

The most recent draft of the amendment document is included as **Attachment 3c**.

The Councils have pursued the approaches outlined in this document in an effort to harmonize fisheries regulations, where possible, throughout the south Florida region. Several species

occurring in this region do not occur in comparable abundance elsewhere in Gulf or South Atlantic waters. This regional concentration of socially and economically important species creates an opportunity for the Councils to homogenize regulations. Current regulations for yellowtail snapper, mutton snapper, and black grouper, three species being considered in this amendment, are shown in **Tables 1** (recreational) and **2** (commercial). This amendment explores management alternatives developed by the Commission and Councils to potentially simplify existing fishing regulations.

Table 1. Recreational fishing regulations for yellowtail snapper, mutton snapper, and black grouper in the Gulf of Mexico, South Atlantic, and State of Florida.

Species	State Waters Gulf of Mexico	Federal Waters Gulf of Mexico	State Waters Atlantic Ocean	Federal Waters Atlantic Ocean
Yellowtail Snapper	12" TL; within snapper aggregate	12" TL; within snapper aggregate	12" TL; within snapper aggregate	12" TL; within snapper aggregate
Mutton Snapper	16" TL; within snapper aggregate	16" TL; within snapper aggregate	16" TL; within snapper aggregate	16" TL; within snapper aggregate
Black Grouper	22" TL; within 4 grouper aggregate. Monroe County follows Atlantic rules	22" TL; within 4 grouper aggregate. Closed Feb 1 - Mar 31 seaward of 20 fathoms; "The Edges" closed Jan 1 - Apr 30	24" TL; 1 gag or black combined/person. Closed Jan 1 - Apr 30. Monroe County follows Atlantic rules	24" TL; 1 gag or black combined/person. Closed Jan 1 - Apr 30

Table 2. Commercial fishing regulations for yellowtail snapper, mutton snapper, and black grouper in the Gulf of Mexico, South Atlantic, and State of Florida.

Species	State Waters Florida	Federal Waters Gulf of Mexico	Federal Waters Atlantic Ocean
Yellowtail Snapper	12" TL	12" TL	12" TL
Mutton Snapper	16" TL; May and June: 10/person/day or per trip (whichever is more restrictive)	16" TL	16" TL; May and June: 10/person/day or per trip (whichever is more restrictive)
Black Grouper	Gulf 24" TL; Atlantic and Monroe County closed Jan 1 - Apr 30	24" TL, within Grouper Tilefish IFQ; "The Edges" closed Jan 1 - Apr 30	24" TL; Closed Jan 1 - Apr 30

1.2 Purpose and Goals

The purpose of this document is to minimize differences in regulations for species whose primary distribution is in southern Florida and are managed by different agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters. Currently, some fishing regulations differ between the Gulf and South Atlantic Council waters and in some cases, state and adjacent federal waters. This makes it difficult for fishermen to abide by different regulations in the south Florida area, particularly the Florida Keys, where anglers can fish in multiple jurisdictions on a single trip.

The goal of this document and the Joint Council Committee is to provide guidance in determining the best solutions for fisheries management issues that are unique to south Florida, ultimately leading to similar regulations across the south Florida region. The Joint Council Committee could recommend solutions by species, region, and/or sector based on the current respective Gulf and South Atlantic Council regulations and management programs, or recommend entirely new management alternatives.

Actions/Alternatives/Purpose & Need Wording and Voting:

The wording shown for Purpose & Need and each Action/Alternative without highlight reflects the guidance provided by the Joint Committee during their January 2015 meeting as modified by the actions of the South Atlantic Council in March 2015 and the Gulf Council in March/April 2015. Text shown in yellow highlight represent recommendations from the IPT/Council staff/Council Decisions to be made.

The wording for Purpose & Need and Actions/Alternatives will be projected during the Joint Council meeting and motions will be made to indicate the Councils' directions to Staff/IPT. Each Council will vote separately. The Gulf Council's Reef Fish Committee and the South Atlantic Council's Executive Finance Committee will review these decisions prior to the Joint Council meeting and any motions will be added to the Decision Document and emailed to all Council members. The Decision Document with Committee Motions will be projected during the Joint Council meeting.

Draft Language for Purpose & Need (from text in last version of document):

Purpose
The purpose of this amendment is to minimize differences in regulations for species whose primary distribution is in southern Florida and are managed by different agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters. Currently, some fishing regulations differ between the Gulf and South Atlantic Council waters and in some cases, state and adjacent federal waters. This makes it difficult for fishermen to abide by different regulations in the south Florida area, particularly the Florida Keys, where anglers can fish in multiple jurisdictions on a single trip.

Need
The need for this amendment is to develop the best solution for fisheries management issues that are unique to south Florida, ultimately leading to similar regulations across the south Florida region. This will reduce the confusion with different regulations and promote voluntary compliance.

The wording shown below for the Purpose and Need is new proposed language from the IPT.

The purpose for this amendment is to simplify fisheries management issues unique to reef fish species in the south Florida region, which are currently managed by different regulatory agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters.

The need for this amendment is to decrease the public's burden of compliance with differing regulations based on separate regulatory agencies across adjacent bodies of water (i.e., Gulf of Mexico, South Atlantic, and State of Florida waters). This action would decrease administrative burdens with respect to geographical and temporal law enforcement concerns, and would improve the efficacy with which fishery resources in the south Florida region are managed.

COUNCIL ACTION
OPTION 1. APPROVE THE ORIGINAL PURPOSE AND NEED AS SHOWN ABOVE.
OPTION 2. APPROVE THE IPT SUGGESTED WORDING FOR PURPOSE AND NEED
OPTION 3. MODIFY THE WORDING FOR THE PURPOSE AND NEED AND APPROVE.
OPTION 4. OTHERS??

CHAPTER 2. DRAFT MANAGEMENT ALTERNATIVES

Actions 1 & 2 pertain exclusively to yellowtail snapper.

Action 1: Partial Delegation of Commercial and/or Recreational Management of Yellowtail Snapper to the State of Florida for Federal Waters Adjacent to the State of Florida

Note: *Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Action 2.*

Alternative 1: No action. Do not delegate management of yellowtail snapper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for yellowtail snapper:

Option 2a: Size limits
Option 2b: Seasons
Option 2c: Bag limits
Option 2d: Minor modifications to existing allowable gear

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for yellowtail snapper:

Option 3a: Size limits
Option 3b: Seasons
Option 3c: Trip limits
Option 3d: Minor modifications to existing allowable gear

Note: Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management (implementation) plan outlining changes for review and approval by the Gulf and South Atlantic Councils. The Councils are considering delegating certain management actions to the State of Florida for future modifications to yellowtail snapper management; however, there are some changes the Councils are proposing now to modify management measures for yellowtail snapper.

IPT Note: To apply the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)) the process for delegating management measures to the State of Florida will need further discussion and clarification. Specifically, the Joint Council Committee recommendation that would require the State of Florida to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils ultimately may not be a required.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d and 3d from Action 1 if the Councils cannot determine what exactly is desired by "minor modifications to existing allowable gear". Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 1.
APPROVED BY SAFMC SG AP

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 1 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. MOVE OPTIONS 2D AND 3D TO THE CONSIDERED BUT REJECTED APPENDIX AND APPROVE THE REMAINING ACTION 1 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 3. MOVE ACTION 1 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 4. OTHERS??

Discussion
This action considers partial delegation of the management of yellowtail snapper to the State of Florida for the recreational (**Alternative 2**) and/or commercial (**Alternative 3**) fisheries. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs. The harvest of yellowtail snapper is almost entirely from waters adjacent to the State of Florida (**Tables 3** and **4**). The Councils would remain responsible for setting acceptable biological catch (ABC) and annual catch limit (ACL) values, and for establishing accountability measures (AMs). Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf of Mexico Fishery Management Council (Gulf Council) and the South Atlantic Fishery Management Council (South Atlantic Council) (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Councils of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of yellowtail snapper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the yellowtail snapper season opens for both Councils on January 1.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for yellowtail snapper, including: **Option 2a**- size limits; **Option 2b**- seasons; **Option 2c**- bag limits; and **Option 2d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Alternative 3 would determine specific commercial management items for delegation to the State of Florida for yellowtail snapper, including: **Option 3a**- size limits; **Option 3b**- seasons; **Option 3c**- tip limits; and **Option 3d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of commercial fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Table 3. Mean percent of recreational landings (lb ww) by species and state, 2009-2013.

Species	FL	AL	GA	LA	MS	NC	SC	TX
yellowtail snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
mutton snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
black grouper	94.8%	5.0%	0.0%	0.0%	0.0%	0.0%	0.01%	0.2%

Table 4. Mean percent of commercial landings (lb ww) by species and state, 2009-2013.

Species	FL	AL	GA	LA	MS	NC	SC	TX
yellowtail snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
mutton snapper	97.5%	0.0%	0.1%	0.0%	0.0%	0.7%	1.7%	0.0%
black grouper	93.2%	0.6%	1.1%	0.6%	0.0%	0.2%	2.1%	2.2%

Action 2: Establish and Consolidate ABCs and ACLs for Yellowtail Snapper

***Note**: Alternatives in this Action may be selected in conjunction with those in Action 1, meaning delegation to the State of Florida could be selected and yellowtail snapper could be managed with an overall ABC, with or without sector ACLs.*

Alternative 1. No action. Maintain the current commercial and recreational ACLs for yellowtail snapper based on the South Atlantic Council's Snapper Grouper Fishery Management Plan and maintain the current total ACL for yellowtail snapper in the Gulf based on the Reef Fish FMP.

Alternative 2: Manage yellowtail snapper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:
Option 3a: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.
Option 3b: Base sector allocations on average landings from 2009-2013
Option 3c: Base sector allocations on average landings from 2004-2013

MOTION: SG AP RECOMMENDS ALTERNATIVE 1, NO ACTION, FOR ACTION 2. APPROVED BY SAFMC SG AP (12/1)

IPT Note: Staff needs clarification if this action pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 2 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. MOVE ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 3. OTHERS??

Discussion
This action considers establishing and combining Gulf and South Atlantic annual catch limits (ACLs) for yellowtail snapper into one Southeastern U.S. acceptable biological catch (ABC) and ACL. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective Scientific and Statistical Committees (SSC) for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for the overfishing limit (OFL) and ABC for yellowtail snapper. Although yellowtail snapper has been managed as two separate stocks for regulatory purposes, the stock assessment considered yellowtail snapper from the Gulf and South Atlantic to be a single biological stock (SEDAR 27 2013). For the purposes of management of yellowtail

snapper, the ACL could be set equal to the ABC since the stock is not currently overfished or undergoing overfishing (SEDAR 27 2013). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for yellowtail snapper based on yield projections from the most recent stock assessment (SEDAR 27 2013). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for yellowtail snapper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1993-2008 + 50% of catch history from 2006-2008 resulting in 75% of the ABC going to the South Atlantic, 25% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would use both Councils' agreed upon ABC for management of yellowtail snapper as a single unit with an overall combined ACL. Currently each Council's SSC agrees to an ABC for yellowtail snapper from the most recent stock assessment. A similar method would be used for this alternative and for **Alternative 3**. The method of management in **Alternative 2** could still have within it recreational and commercial fishing allocations. However, neither sector would close in a fishing year so long as the overall ACL had not been met, if that accountability measure (AM) was selected as preferred.

Alternative 3 would use both Councils' agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3a – 3c**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. **Option 3b** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 5** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 6**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council's jurisdiction. For yellowtail snapper, the respective ACLs were not exceeded; however, in 2012 the commercial sector landed 90% of their ACL. Subsequently a new stock assessment showed that the ABC could be increased permitting an increase in ACLs for both Councils.

Table 5. Sector allocation options for yellowtail snapper for Alternative 3 of Action 2. Percentages were derived from landings in whole weight.

Yellowtail Snapper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	76%	24%
Option 3b	80%	20%
Option 3c	73%	27%

Landings Data Description

The following methods were used to partition landings of yellowtail snapper, mutton snapper, and black grouper between the Gulf and South Atlantic Councils by sector. Commercial landings are assigned to sub-region (Gulf of Mexico or South Atlantic) based on fisher-reported catch area. For example, landings reported north of U.S. 1 are considered to be within the Gulf of Mexico jurisdiction and south of U.S. 1 landings are considered to be within the South Atlantic jurisdiction. Headboats based from Texas to Gulf-based in Monroe County are within the Gulf of Mexico jurisdiction, and headboats from North Carolina to the Florida Keys are within the South Atlantic jurisdiction. Marine Recreational Fisheries Statistics Survey (MRFSS) data was post-stratified to break the Florida Keys out from the Gulf of Mexico landings. The MRFSS landings from the Florida Keys were re-assigned to the South Atlantic Council, because most legal sized yellowtail snapper, black grouper, and mutton snapper are likely caught in South Atlantic waters (GMFMC CL/AM Amendment 2011).

Landings indicate that the yellowtail snapper fishery has historically been dominated by the commercial fishery. It is important to note that during the time periods considered in Alternative 3, neither the commercial nor the recreational sector exceeded their respective ACLs in the South Atlantic waters and the Stock ACL in the Gulf waters.

Table 6. Commercial and recreational landings of yellowtail snapper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight. Gulf commercial landings data for 1993 are confidential.

Year	Commercial		Recreational	
	Gulf	*South Atlantic*	*Gulf*	*South Atlantic*
1993	Confidential	1311367	51015	1189637
1994	1344942	860543	11762	880763
1995	591074	1265856	3434	660358
1996	485120	973815	2854	554130
1997	218384	1455496	2008	702997
1998	341479	1183074	4965	487063
1999	601027	1245345	39260	288951
2000	388984	1203154	4781	395845
2001	246849	1174008	7045	328458
2002	341823	1069057	7782	407848
2003	463743	948886	11472	510314
2004	478221	1002309	17937	698058
2005	510437	814899	31176	576247
2006	542237	694958	21477	560320
2007	350079	628608	19726	786399
2008	460569	910323	6056	746313
2009	891925	1085281	19250	348536
2010	569275	1126231	8783	434259
2011	769730	1125220	25560	390998
2012	630984	1439586	5087	493409
2013	728387	1305002	6991	666026

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Actions 3-6 pertain exclusively to mutton snapper.

Action 3: Partial Delegation of Commercial and/or Recreational Management of Mutton Snapper to the State of Florida in Federal Waters Adjacent to the State of Florida

Note: *Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Actions 4, 5, and 6.*

Alternative 1: No action. Retain management of Mutton Snapper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for Mutton Snapper:

Option 2a: Size limits
Option 2b: Seasons
Option 2c: Bag limits
Option 2d: Minor modifications to existing allowable gear

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for Mutton Snapper:

Option 3a: Size limits
Option 3b: Seasons
Option 3c: Trip limits
Option 3d: Minor modifications to existing allowable gear

Note: Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management (implementation) plan outlining changes for review and approval by the Gulf and South Atlantic Councils. The Councils are considering delegating certain management actions to the State of Florida for future modifications to mutton snapper management; however, there are some changes the Councils are proposing now to modify management measures for mutton snapper.

IPT Note: To apply the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)) the process for delegating management measures to the State of Florida will need further discussion and clarification. Specifically, the Joint Council Committee recommendation that would require the State of Florida to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils may ultimately not be a required.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d and 3d from Action 1 if the Councils cannot determine what exactly is desired by "minor modifications to existing allowable gear". Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

IPT Note: Delegating the setting of bag limits and trip limits under Alternatives 2 and 3 (Options 2c and 3c) in this action seems to duplicate efforts in Actions 5 and 6. If it is the Councils' desire is to delegate management measures to the State of Florida as outlined in this action, then the Councils' may wish to reconsider the establishment of bag and trip limits for mutton snapper (Actions 5 and 6).

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 3.
APPROVED BY SAFMC SG AP (11/0)

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 3 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. MOVE OPTIONS 2D AND 3D TO THE CONSIDERED BUT REJECTED APPENDIX AND APPROVE THE REMAINING ACTION 3 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 3. MOVE ACTION 3 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 4. OTHERS??

Discussion
This action considers partially delegating the management of mutton snapper to the State of Florida for the recreational (**Alternative 2**) and/or commercial (**Alternative 3**) fisheries. The harvest of mutton snapper is almost entirely from Florida (**Tables 3** and **4**). The Councils would remain responsible for setting ACLs and for establishing AMs. Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. Additionally, prior to implementing any changes in management items delegated herein, the Joint Council Committee recommended that the State of Florida be required to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils. This may not be required based on the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)). The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf

and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of mutton snapper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the mutton snapper season opens for both Councils on January 1.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for mutton snapper, including: **Option 2a**- size limits; **Option 2b**- seasons; **Option 2c**- bag limits; and **Option 2d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Alternative 3 would determine specific commercial management items for delegation to the State of Florida for mutton snapper, including: **Option 3a**- size limits; **Option 3b**- seasons; **Option 3c**- trip limits; and **Option 3d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of commercial fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Action 4: Establish and Consolidate ABCs and ACLs for Mutton Snapper

Note: *Alternatives in this Action may be selected in conjunction with those in Actions 3, 5, and 6. More than one alternative may be selected as preferred in this action.*

Alternative 1. No action. Maintain the current commercial and recreational ACLs for mutton snapper based on the South Atlantic Councils Snapper Grouper Fishery Management Plan and maintain the current total ACL for mutton snapper in the Gulf based on the Reef Fish Resources FMP.

Alternative 2: Manage mutton snapper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:
Option 3a: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.
Option 3b: Base sector allocations for waters off Florida on average landings from 2009-2013
Option 3c: Base sector allocations for waters off Florida on average landings from 2004-2013

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 4.
APPROVED BY SAFMC SG AP (11/0)

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 4 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. MOVE ACTION 4 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 3. OTHERS??

Discussion
This action considers establishing and combining Gulf and South Atlantic ACLs for mutton snapper into one Southeastern U.S. ABC and ACL. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective SSC for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for the OFL and ABC for mutton snapper. Although mutton snapper has been managed as two different stocks for regulatory purposes, the stock assessment (SEDAR 15A 2008) and recent update assessment (2015 SEDAR 15A Update) considers mutton snapper from the Gulf and South Atlantic to be a single biological stock. For the purposes of management the ACL could be equal to the ABC, since mutton snapper are not

presently overfished or experiencing overfishing (SEDAR 15A 2008). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for mutton snapper based on yield projections from the most recent stock assessment (SEDAR 15A 2008). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for mutton snapper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1990-2008 + 50% of catch history from 2006-2008 resulting in 79% of the ABC going to the South Atlantic and 21% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would manage mutton snapper as a single unit with an overall combined multijurisdictional ABC and ACL. This method of management could still have within it recreational and commercial fishing allocations. However, neither sector would be closed in a fishing year so long as the overall ACL had not been met, if that accountability measure (AM) was selected as preferred.

Alternative 3 would use both Councils' agreed upon acceptable biological catch (ABC) for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3a – 3c**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. The current years used for the jurisdictional apportionment for mutton snapper are established by using 50% of catch history from 1990-2008 instead of 1993. The Councils used 50% of the catch history from 1993-2008 for the yellowtail snapper jurisdictional apportionment. **Option 3b** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 7** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 8**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council's jurisdiction. For mutton snapper, the respective ACLs were not exceeded.

Table 7. Sector allocation options for mutton snapper for Alternative 3 of Action 4. Percentages were derived from landings in whole weight.

Mutton Snapper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	32%	68%
Option 3b	25%	75%
Option 3c	27%	73%

Table 8. Commercial and recreational landings of mutton snapper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight. Gulf commercial landings data for 1993-1996 are confidential. For explanation of landings data see Action 2 discussion.

Year	Commercial		Recreational	
	Gulf	*South Atlantic*	*Gulf*	*South Atlantic*
1993	Confidential	169112	4664	540658
1994	Confidential	176022	4946	399568
1995	Confidential	196265	2767	458726
1996	Confidential	207243	20493	314405
1997	69841	221674	2303	339350
1998	73343	282490	10665	312690
1999	84854	168141	3583	266928
2000	80146	124475	1717	340501
2001	99960	133047	4077	302430
2002	101446	132219	2705	422465
2003	124508	144109	9891	555855
2004	201938	145861	13296	396210
2005	140947	96298	2243	466909
2006	214115	74839	1976	631323
2007	133086	88550	34047	748118
2008	81391	76705	20281	822520
2009	43689	78132	5766	436032
2010	54242	74737	1541	569471
2011	94238	66158	1391	281247
2012	88695	77122	7156	477022
2013	107814	73392	4960	481731

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the mutton snapper fishery has historically been dominated by the recreational fishery. It is important to note that during the time periods considered in **Alternative 3**, neither the commercial nor the recreational sector exceeded their respective ACLs.

Action 5. Modify Mutton Snapper Recreational Bag Limit in Gulf of Mexico and South Atlantic

Note: *Alternatives in this Action may be selected in conjunction with those in Actions 3, 4, and 6.*

Alternative 1: No action. Mutton snapper is part of the aggregate 10 snapper bag limit in the Gulf of Mexico, the South Atlantic, and the State of Florida.

Alternative 2: Remove mutton snapper from the recreational aggregate bag limit and change the recreational bag limit for mutton snapper during the regular season (July-April) and during the spawning season (May-June).

Option 2a: 10 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Option 2b: 5 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Option 2c: 4 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Alternative 3: Retain mutton snapper within the aggregate 10 snapper bag limit in the Gulf of Mexico and the South Atlantic, but specify bag limits for mutton snapper within the snapper recreational aggregate bag limit during the regular season (July-April) and during the spawning season (May-June).

Option 3a: Within the aggregate snapper bag limit, no more than 10 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Option 3b: Within the aggregate snapper bag limit, no more than 5 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Option 3c: Within the aggregate snapper bag limit, no more than 4 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Note: The Councils are considering delegating certain management actions to the State of Florida for future modifications to mutton snapper management; however, there are some changes the Councils are proposing now to modify management measures for mutton snapper.

IPT Note: The Councils' may wish to revisit the inclusion of both Options 2b/c and 3b/c, since they differ by only 1 fish per person per day. If the Councils wish to include both options, then additional rationale will help frame subsequent analyses.

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions**.**

IPT Note: Establishing recreational bag limits in this action seems to duplicate efforts in Action 3. If it is the Councils' desire to establish recreational bag limits for mutton snapper in the manner shown in this action then the Councils may wish to reconsider delegating the

establishment and modification of bag limits for mutton snapper to the State of Florida as outlined in Action 3. It would seem to be contradictory to consider delegating the recreational bag limits to the State of Florida in one action, and then to rationalize appropriate bag limit modifications under a Council management strategy in another action.

***Note**: In the Gulf of Mexico, the 10 snapper-per-person aggregate includes all snapper species in the reef fish management unit except red snapper, vermilion snapper, and lane snapper (**Table 5**). In the South Atlantic, the 10 snapper-per-person aggregate includes all snapper species in the snapper grouper management unit except red snapper and vermilion snapper (**Table 5**). Cubera snapper less than 30" total length (TL) are included in the 10 fish bag limit. The aggregate 10 snapper bag limit includes a maximum of 2 cubera snapper per person (not to exceed 2 per/vessel) for fish 30" TL or larger off Florida.*

***Note**: State of Florida has the same regulations for the recreational sector as both Councils; however, the commercial sector in state waters is managed using regulations identical to the South Atlantic Council's commercial regulations.*

MOTION: AP SUPPORTS ALTERNATIVE 2, OPTION 2B, FOR ACTION 5.
APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 5 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. APPROVE THE ACTION 5 ALTERNATIVES FOR DETAILED ANALYSES AND SELECT ALTERNATIVE 2, OPTION 2B AS PREFERRED.
OPTION 3. OTHERS??

Discussion
There is concern by the public regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season in the Florida Keys despite the healthy status of the mutton snapper stock. In 2010, the Snapper Grouper Advisory Panel (SGAP) recommended that the South Atlantic Council consider a spawning area closure or a seasonal closure in May and June of each year. Furthermore, the SGAP recommended that the mutton snapper bag limit be reduced to 3 fish per person per day. According to the most recent stock assessment of mutton snapper in the southeastern United States (SEDAR 15A 2008), mutton snapper are neither overfished ($SSB_{2006}/SSB_{30\%SPR} = 1.14$) nor experiencing overfishing ($F_{2006}/F_{30\%SPR} = 0.51$). An update stock assessment of mutton snapper is expected to be made available to the Councils by June 2015. Currently, mutton snapper is part of the 10 snapper aggregate in the Gulf and South Atlantic (**Table 9**). Current regulations for mutton snapper in the Gulf and South Atlantic are shown in **Table 10**.

Table 9. Species composition of the 10 snapper aggregate in the Gulf and South Atlantic.

Gulf of Mexico	South Atlantic
Gray snapper	Gray snapper
Mutton snapper	Mutton snapper
Yellowtail snapper	Yellowtail snapper
Cubera snapper	Cubera snapper
Queen snapper	Queen snapper
Blackfin snapper	Blackfin snapper
Silk snapper	Silk snapper
Wenchman	Dog snapper
	Lane snapper
	Mahogany snapper

Table 10. Current recreational mutton snapper fishing regulations in State waters off Florida, the Gulf of Mexico and the South Atlantic (June 2015).

Species	Regulations	State Waters Gulf and South Atlantic	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Bag Limit (per person/day)	10 snapper aggregate (per person/day)		
	Season	Year round		

The peak of mutton snapper recreational landings occur during the May-June spawning season (Wave 3) in the South Atlantic during 2012 and 2013 (**Table 11**). Impacts of various bag limits for 2011-2013 are shown in **Table 12**. An examination of the recent years of complete data (2011- 2013) revealed there were only 72 trips (0 in Texas, 6 private/charter and 66 headboat trips) in the Gulf of Mexico region that landed mutton snapper. Because there were not enough samples for the Gulf of Mexico region to complete a meaningful analysis, the recreational bag limit analysis for mutton snapper is focused on the South Atlantic region (Appendix D).

The main difference between **Alternatives 2** and **3** is that **Alternative 2** removes mutton snapper from the snapper recreational aggregate bag limit, while **Alternative 3** retains mutton snapper within the snapper recreational aggregate bag limit. Both **Alternatives 2** and **3** establish specific bag limits for mutton snapper during the regular and spawning seasons, respectively. For both alternatives, **Options 2a and 3a** consider maintaining the recreational bag limit of 10 fish/person/day during the July-April regular season, and reducing the recreational bag limit to 2 fish/person/day during the spawning season. **Options 2a and 3a** would be expected to reduce recreational harvest during the May-June (Wave 3) spawning season by 22% for the headboat sector and 20% for the private/charter sector; however, there would be no reduction in recreational harvest during July-April (**Table 12**). **Option 2b and 3b** would specify a 5 fish/person/day for the recreational sector during July-April, and 2 fish/person/day during the May-June spawning season. **Option 2b and 3b** would be expected to reduce recreational harvest during the regular season by 6% for the headboat sector, and 6% for the private/charter sectors. **Options 2c and 3c** would specify a 4 fish/person/day for the recreational sector during July-April, and 2 fish/person/day during the May-June spawning season. **Options 2c and 3c**

would be expected to reduce recreational harvest during the regular season by 9% for the headboat sector, and 5% for the private/charter sectors. A 2 fish/person/day spawning season recreational bag limit would be expected to reduce harvest by 22% and 20% for the headboat and private/charter sectors, respectively during the May-June spawning season (**Table 12**). If **Alternative 2** is selected by itself, it could potentially increase the opportunity for the recreational harvest of the snapper species still included as part of the snapper recreational aggregate bag limit.

Table 11. South Atlantic recreational (private, charter, headboat) mutton snapper landings by wave. Source: http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/index.html.

Year	1	2	3	4	5	6	Total
2012	46,282	102,210	182,880	77,015	27,275	34,366	470,028
2013	50,961	36,208	175,774	91,913	90,689	36,186	481,731

Table 12. Percent reductions in landings for various bag limits generated from South Atlantic recreational landings for the years 2011 and 2013. The reductions were calculated in terms of mutton snapper numbers with respect to dataset (MRIP and headboat) and non-spawning (July to April) and spawning (May-June) season.

Bag Limit	MRIP			Headboat		
	Jul-Apr	May-Jun	All Year	Jul-Apr	May-Jun	All Year
10	0.0	0.0	0.0	0.0	0.0	0.0
9	0.2	1.3	0.4	0.3	0.4	0.3
8	0.4	2.5	0.9	0.7	0.8	0.7
7	1.3	3.8	1.8	1.3	2.0	1.5
6	2.3	5.1	2.9	2.9	3.8	3.1
5	3.5	6.3	4.1	5.5	6.2	5.7
4	5.1	8.4	5.8	9.4	9.7	9.5
3	8.5	12.7	9.3	15.3	14.7	15.2
2	14.1	20.3	15.3	25.0	21.7	24.2
1	29.3	34.2	30.3	37.5	32.4	36.3

The distribution of mutton snapper catch-per-angler is shown in **Figure 2.** As can be seen, most anglers catch three or fewer mutton snapper. Furthermore, most of the mutton snapper landings are from the Southeast (**Figure 3**) data collection area which is in the South Atlantic Council jurisdiction.

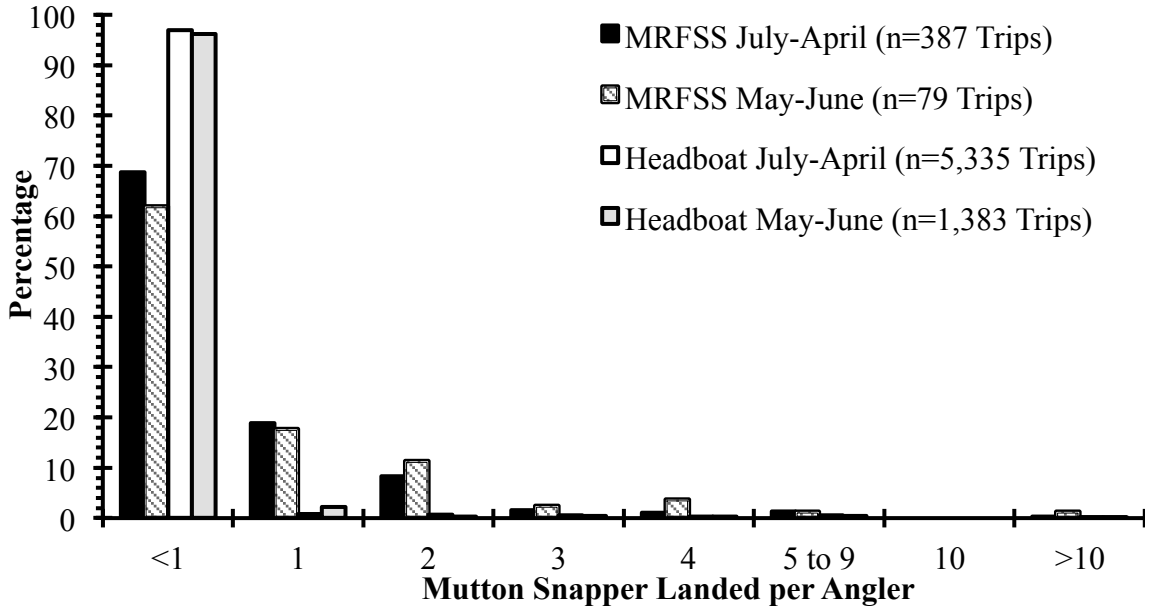

Figure 2. Distribution of South Atlantic mutton snapper landed per angler by season from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. The regular season is from July to August and the spawning season is from May to June.

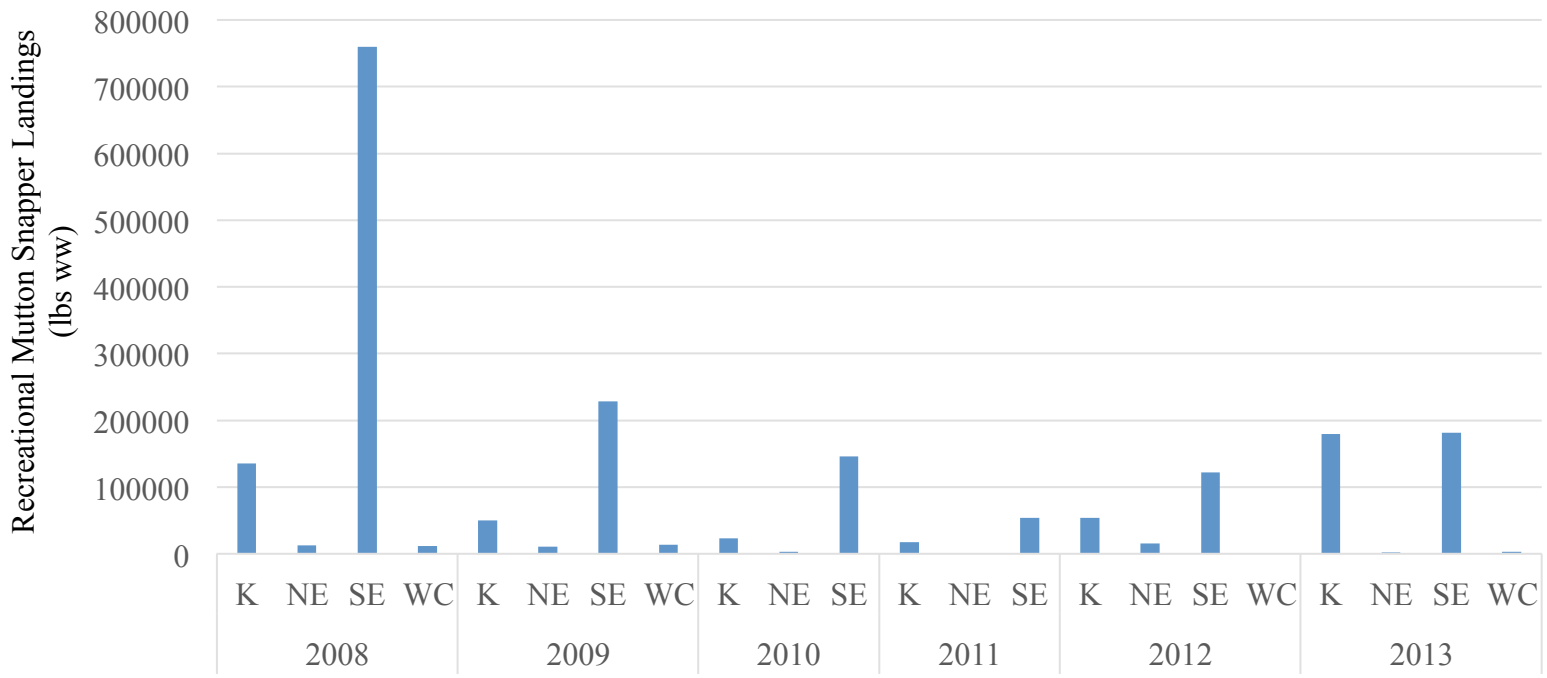

Figure 3. Total recreational landings (lbs ww) of mutton snapper from Florida waters from 2008-2013 by reporting region: K = Keys (Monroe County), NE = Northeast (Nassau County to Brevard County), SE = Southeast (Indian River County to Dade County), WC = West Central (Collier County to Citrus County). The Panhandle of Florida (otherwise denoted as "P"; Levy County to Escambia County) is not represented here due to the absence of mutton snapper landings in the Panhandle region.

Action 6. Modify Mutton Snapper Commercial Trip Limit in the Gulf of Mexico and South Atlantic

Note: *Alternatives in this Action may be selected in conjunction with those in Actions 3, 4, and 5.*

Alternative 1: No action. During May-June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf or South Atlantic from July through April.

Alternative 2: Establish a commercial trip limit for mutton snapper during the regular season (July through April) in the Gulf of Mexico and the South Atlantic.

Option 2a: 10 fish/person/day

Option 2b: Some higher bag or trip limit.

Alternative 3: Specify a commercial trip limit for mutton snapper during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 3a: 2 fish/person/day

Option 3b: 5 fish/person/day

Option 3c: 10 fish/person/day

Option 3d: No bag or trip limit

Alternative 4: Specify a commercial trip limit for mutton snapper that is identical to the recreational bag limit during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Alternative 5: Specify a commercial trip limit for mutton snapper for the handline sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 5a: 2 fish/person/day

Option 5b: 5 fish/person/day

Option 5c: 10 fish/person/day

Option 5d: Some other trip limit

Alternative 6: Specify a commercial trip limit for mutton snapper for the longline sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 6a: 500 pounds whole weight trip limit

Option 6b: Some other trip limit

Note: The Councils are considering delegating certain management actions to the State of Florida for future modifications to mutton snapper management; however, there are some changes the Councils are proposing now to modify management measures for mutton snapper.

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Establishing commercial trip limits in this action seems to duplicate the efforts of Action 3. If it is the Councils' desire to establish trip limits for mutton snapper in the manner shown in this action then the Councils may wish to reconsider delegating the establishment and modification of trip limits for mutton snapper to the State of Florida as outlined in Action 3. It would seem to be contradictory to consider delegating the setting of trip limits to the State of Florida in one action, and then to rationalize appropriate bag limit or trip limit modifications under a Council management strategy in another action.

IPT Note: The Councils may wish to consider vessel limits for commercial mutton snapper fishing. The biological effects of bag limits could vary depending on the number of crew aboard a commercial fishing vessel, making biological effects more difficult to determine. For example, the biological effects of four crew members retaining the per-person trip limit in Alternative 5 would be greater than the same for only two crew members. Analysis of Alternative 5 may prove difficult, since there is no way to know how many crew could be on board a commercial fishing vessel on any given day.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 6.
APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 6 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. APPROVE THE ACTION 6 ALTERNATIVES FOR DETAILED ANALYSES AND SELECT ALTERNATIVE 1 AS PREFERRED.
OPTION 3. MOVE ACTION 6 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 4. OTHERS??

Discussion
Some members of the public have expressed concerns regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season in the Florida Keys despite a healthy status of the mutton snapper stock. This action considers alternatives for mutton snapper commercial trip limits in the Gulf of Mexico and the South Atlantic. Current commercial fishing regulations for mutton snapper are detailed in **Table 13** (**Alternative 1**). During May and June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf or South Atlantic during the July-April regular season. The commercial sector in the Gulf has no bag limit or trip limit restrictions during the mutton snapper peak spawning season (May-June).

Table 13. Current commercial mutton snapper fishing regulations in State waters off Florida, the Gulf of Mexico and the South Atlantic (June 2015).

Species	Regulations	State Waters Gulf and South Atlantic	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Trip Limit	None		
	Closed Season	None		
	Bag Limit	May-June: Restricted to 10 fish/person/day or trip	None	May-June: Restricted to 10 fish/person/day or trip

Tables 14 and **15** show commercial landings of mutton snapper by gear type from 2004-2013 for the Gulf and South Atlantic Councils, respectively. In the Gulf, bottom longline gear has historically been the predominate gear used to harvest mutton snapper (**Table 14**). In 2008, bottom longline regulations were modified to reduce interactions with protected sea turtle species, which could be one reason bottom longlines landings were reduced in 2009-2013 (GMFMC 2009). The predominate gear in South Atlantic waters has been vertical line gear for harvesting mutton snapper (**Table 15**). Trap gear was phased out in the Gulf in 2007; however, trap landings of mutton snapper are still reported in the South Atlantic and are likely bycatch from the spiny lobster fishery (Matthews et al. 2005).

Table 14. Commercial landings of mutton snapper by gear in the Gulf of Mexico for 2004-2013. Landings are reported in pounds whole weight. Confidential landings are labeled as "NA".

Year	Vertical	Longline	Traps	Diving	Other
2004	34,944	161,006	5,166	822	0
2005	20,634	115,772	2,952	1,271	NA
2006	25,345	186,193	994	1,029	NA
2007	20,335	110,979	631	612	NA
2008	14,745	65,227	647	759	NA
2009	12,258	29,589	847	811	NA
2010	18,262	35,294	NA	358	NA
2011	28,227	64,412	NA	729	NA
2012	27,013	59,375	NA	568	NA
2013	19,782	86,277	NA	1,073	0

Source: Commercial ACL dataset. Gulf vertical line includes: hook-and-line by hand and hook-and-line power assisted (bandit). "Other" includes landings from seine nets and unclassified gear.

Table 15. Commercial landings of mutton snapper by gear in the South Atlantic for 2004-2013. Landings are reported in pounds whole weight. Confidential landings are labeled as "NA".

Year	Vertical	Longline	Traps	Diving	Other
2004	98,513	36,609	6,225	3,805	709
2005	81,551	4,626	2,662	5,023	2,436
2006	59,071	8,774	3,427	2,959	608
2007	59,955	17,564	5,918	3,770	1,343
2008	61,836	8,692	2,296	3,052	829
2009	69,088	2,827	1,873	3,429	915
2010	66,464	644	4,048	2,759	822
2011	54,997	NA	7,111	3,599	372
2012	66,912	NA	3,875	6,156	NA
2013	60,586	NA	3,321	8,865	NA

Source: Commercial ACL dataset. South Atlantic vertical line includes: hook-and-line by hand, hook-and-line power assisted (bandit) and hook-and-line troll. "Other" includes landings from the following gears: gill nets, lift nets, seine nets, and unclassified gear.

The commercial landings of mutton snapper for all Florida counties are highest during the May-June peak spawning period (**Figure 4**). Overall Florida landings of mutton snapper were highest in 2008 and decreased through 2011. Landings increased in 2012 and 2013 (**Figure 5**). An examination of the monthly distribution of mutton snapper landings from commercial logbook and dealer reports shows similar trends (**Tables 16a** and **16b**). In addition, commercial landings of mutton snapper in the South Atlantic are highest during the May-June spawning season despite the current 10 fish/person/day bag limit.

Alternative 2, Option 2a would establish a commercial trip limit for mutton snapper during the regular season (July-April) of 10 fish/person/day. Currently, there are no commercial bag or trip limits in effect for commercial harvest of mutton snapper during the regular season. Using commercial trip interview program landings for the Southeastern U.S. the average weight of a landed mutton snapper from 2009-2013 ranges from 8.1-8.8 pounds whole weight (ww) or 7.3-7.9 pounds gutted weight (gw) depending on the region. A 10 fish/person/day bag limit would correspond to about an 88 pound ww (79 gw) trip limit in the Gulf of Mexico and about an 81 pound ww (73 gw) trip limit in the South Atlantic. **Alternative 2, Option 2a** would correspond to 65% reduction in commercial mutton snapper landings in the Gulf and a 20% reduction in commercial landings in the South Atlantic (**Table 17**). The combined percent reduction estimated for Gulf and South Atlantic waters is estimated to be 45%. **Option 2b** would establish a commercial bag or trip limit in excess of 10 fish per person per day. **Table 17** used 12 fish per person per day as an example which is estimated to result in an increase in mutton snapper landings by 12% in the Gulf and 26% in the South Atlantic, respectively (**Table 17**).

Alternative 3, Options 3a through **3c** would specify a commercial trip limit for mutton snapper during the spawning season (May-June) of 2, 5, or 10 fish/person/day. **Option 3d** would not specify a commercial bag limit or trip limit for mutton snapper during the spawning season. A 2 fish/person/day commercial bag limit would be expected to reduce harvest in the Gulf and South

Atlantic combined by 21% during the May-June spawning season; a 5 fish/person/day commercial bag limit would be expected to reduce harvest by 16%; and a 10 fish/person/day would be expected to reduce commercial harvest of mutton snapper during the spawning season by 7% (**Table 17**).

Alternative 4 would specify a commercial trip limit for mutton snapper that is identical to the recreational bag limit during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic. This alternative is estimated to reduce commercial mutton snapper landings in the Gulf of Mexico by 12% and provide no reduction in landings for the South Atlantic Council (**Table 17**).

Alternatives 5 would specify a commercial trip limit for mutton snapper for vertical line gear during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic. **Option 5a** would set a vertical line trip limit of 2 fish/person/day corresponding to 3% reduction in commercial mutton snapper landings in the Gulf and 25% reduction in commercial landings in the South Atlantic (**Table 17**). **Option 5b** would set a vertical line trip limit of 5 fish/person/day corresponding to 3% reduction in commercial mutton snapper landings in the Gulf and 18% reduction in commercial landings in the South Atlantic. **Option 5c** would set a vertical line trip limit of 10 fish/person/day corresponding to 2% reduction in commercial mutton snapper landings in the Gulf and no reduction in commercial landings in the South Atlantic. **Option 5d** would set some other vertical line trip limit. Until the Councils' determine what that limit would be, this option cannot be analyzed.

Alternative 6 Option 6a would set a longline gear trip limit of 500 pounds whole weight corresponding to a 4% reduction in commercial mutton snapper landings the Gulf and no reduction in commercial mutton snapper landings in the South Atlantic. **Alternative 6, Option 6b** would set some other trip limit. Until the Councils' determine what that limit would be, this option cannot be analyzed. For example if a 50 lb ww longline gear trip limit was established, a 12% reduction in landings is estimated for the Gulf and no reduction in landings is estimated for the South Atlantic (**Table 17**).

Table 16a. Monthly distribution of mutton snapper landings from commercial logbook in the Gulf and South Atlantic during 2009-2013

Month	Total	South Atlantic	Gulf
1	5.8%	5.5%	6.1%
2	9.0%	6.5%	11.3%
3	6.4%	5.6%	7.1%
4	7.2%	6.1%	8.2%
5	16.9%	22.6%	11.6%
6	10.4%	14.0%	7.1%
7	11.8%	9.8%	13.7%
8	7.5%	8.3%	6.7%
9	6.1%	5.5%	6.7%
10	6.9%	5.4%	8.3%
11	5.6%	5.6%	5.7%
12	6.3%	5.1%	7.5%

Table 16b. Monthly distribution of mutton snapper landings from dealer reported landings (Accumulative Landings System) in the Gulf and South Atlantic during 2009-2013.

Month	Total	South Atlantic	Gulf
1	5.5%	5.7%	5.4%
2	8.6%	6.8%	10.3%
3	6.5%	5.5%	7.5%
4	7.1%	6.5%	7.6%
5	16.3%	20.8%	11.9%
6	10.9%	14.7%	7.4%
7	11.5%	9.0%	13.9%
8	7.4%	8.3%	6.5%
9	6.0%	5.3%	6.7%
10	7.4%	5.5%	9.2%
11	5.9%	6.0 %	5.7%
12	6.9%	5.9%	7.9%

Table 17. Percent increases and decreases in landings for various proposed commercial trip limit alternatives. Percent increases are positive numbers and percent decreases are negative numbers. Both the percent increases and decreases came from mutton snapper commercial logbook data from 2011 to 2013.

Alternative	Option	Season	Gulf of Mexico	South Atlantic	Gulf and South Atlantic
Alt 2	Option 2a: 10 fish	July-April	-65%	-20%	-45%
	Option 2b: 12 fish		12%	26%	19%
Alt 3	Option 3a: 2 fish	May-June	-16%	-27%	-21%
	Option 3b: 5 fish		-14%	-20%	-16%
	Option 3c: 10 fish		-12%	0	-7%
	Option 3d: No limit		0	NA	NA
Alt 4	10 fish	May-June	-12%	0	-7%
Alt 5	Option 5a: 2 fish, Vertical line Sector	May-June	-3%	-25%	-12%
	Option 5b: 5 fish, Vertical line Sector		-3%	-18%	-8%
	Option 5c:10 fish, Vertical line Sector		-2%	0%	-6%
Alt 6	Option 6a: 500 lbs ww, Longline sector	May-June	4%	0	2%
	Option 6b: 50 lbs ww, Longline sector		-12%	0	-6%

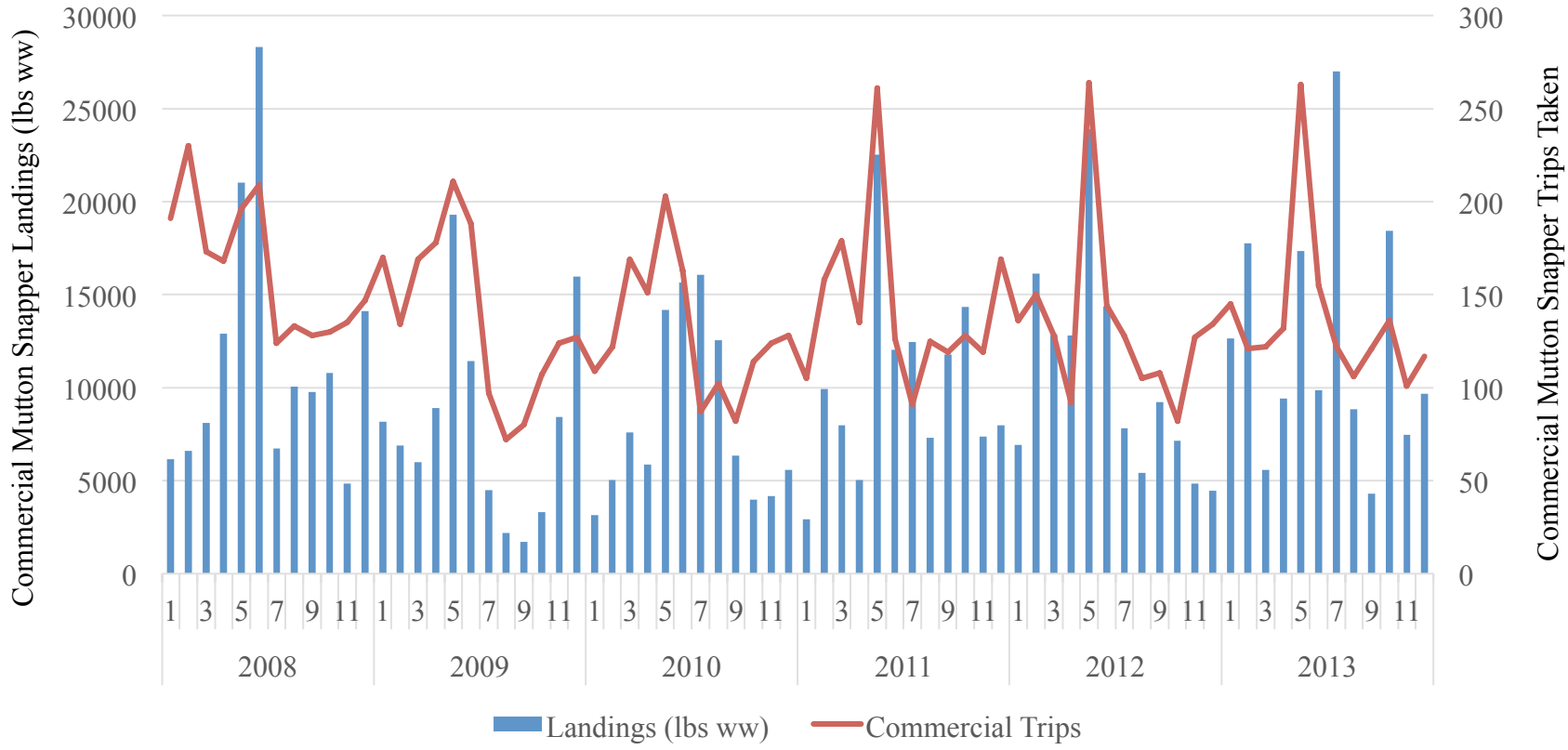

Figure 4. Commercial mutton snapper landings and trips by month from 2008 to 2013. Left y-axis (blue bars) is total commercial mutton snapper landings (lbs ww) for all Florida counties. Right y-axis (red line) is total commercial mutton snapper trips taken.

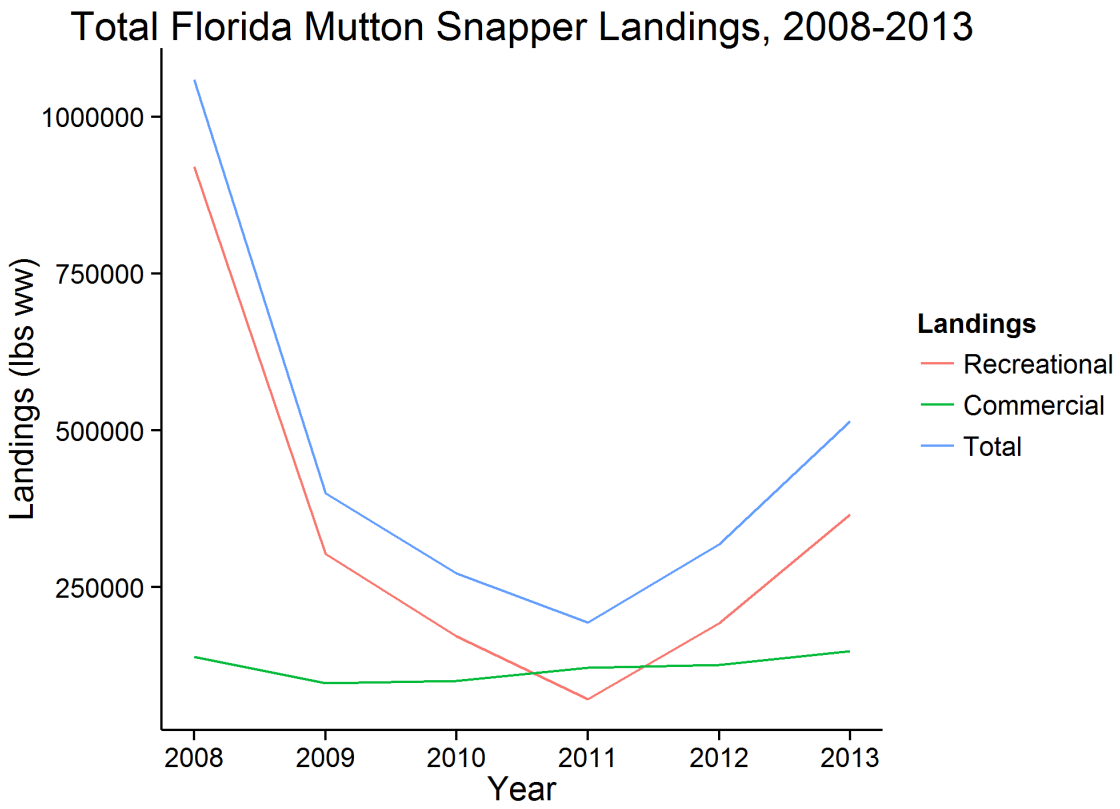

Figure 5. Total landings of mutton snapper in Florida (lbs ww). Data are from the Florida Fish and Wildlife Conservation Commission recreational landings and commercial trip ticket programs.

Actions 7 & 8 pertain exclusively to black grouper.

Action 7: Partial Delegation of Recreational Management of Black Grouper to the State of Florida in Federal Waters Adjacent to the State of Florida

Note: *Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Actions 8, 9, and 10.*

Alternative 1: No action. Retain recreational management of black grouper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for black grouper:

Option 2a: Size limits
Option 2b: Seasons
Option 2c: Bag limits
Option 2d: Minor modifications to existing allowable gear

Note: Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management (implementation) plan outlining changes for review and approval by the Gulf and South Atlantic Councils. The Councils are considering delegating certain management actions to the State of Florida for future modifications to black grouper management; however, there are some changes the Councils are proposing now to modify management measures for black grouper.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d. If the Councils cannot determine what exactly is desired by "minor modifications to existing allowable gear". Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

IPT Note: If it is the Councils' desire to delegate recreational management measures to the State of Florida then the Councils' may wish to reconsider the establishment of bag limits and closed season in Action 11. It would seem to be contradictory to consider delegating the setting of recreational management measures to the State of Florida in one action, and then to rationalize appropriate bag limits and season closures under a Council management strategy in another action.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 7.
APPROVED BY SAFMC SG AP (14/0)

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 7 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 2. MOVE OPTION 2D TO THE CONSIDERED BUT REJECTED APPENDIX AND APPROVE THE REMAINING ACTION 7 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 3. MOVE ACTION 7 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. OTHERS??

Discussion

This action considers alternatives that would partially delegate the management of black grouper to the State of Florida for the recreational (**Alternative 2**) sector. **Tables 3** and **4** reveal that harvest of black grouper is almost entirely from Florida with a very low percentage of landings occurring from other Gulf and South Atlantic States. Delegation of commercial management measures for black grouper is not currently being considered by the Joint Council Committee because it is currently part of the shallow-water grouper Individual Fishing Quota (IFQ) program in the Gulf of Mexico. The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B). The Councils' would remain responsible for setting annual catch limit (ACL) values and for establishing accountability measures (AMs) as outlined by the Joint Council Committee. Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils. This may not be required based on the Magnuson-Steven Act delegation provision (16 U.S.C. §1856(a)(3)).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of black grouper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the black grouper season is open from May 1 through December 31 in the South Atlantic for both the commercial and recreational sectors. In the Gulf the recreational sector open year round, if fishing shoreward of the 20 fathom depth contour from February 1 through March 31.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for black grouper, including: **Option 2a-** size limits; **Option 2b-** seasons; **Option 2c-** bag limits; and **Option 2d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Action 8: Establish and Consolidate ABCs and ACLs for Black Grouper

Note: *Alternatives in this Action may be selected in conjunction with those in Actions 7, 9, and 10. More than one alternative may be selected as preferred in this action.*

Alternative 1. No action. Maintain the current recreational ACLs based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Manage black grouper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for black grouper and allocate the recreational ACLs for the Gulf and South Atlantic:

Option 3a: Combine the current recreational allocations (i.e., 63.12% of the ACL for the South Atlantic and 27% of the ACL for the Gulf) for black grouper into a single recreational allocation.

Option 3b: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3c: Base sector allocations on average landings from 2009-2013.

Option 3d: Base sector allocations on average landings from 2004-2013.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 8.
APPROVED BY SAFMC SG AP (14/0)

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Consider moving Alternative 3 Option 3a to the considered, but rejected appendix based on the fact that the recreational portion of the Gulf black grouper ACL is undefined. There is no defined allocation of recreational harvest, instead black grouper is included in the shallow-water grouper complex (see discussion for more information).

COUNCIL ACTION
OPTION 1. APPROVE THE ACTION 8 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 2. MOVE ACTION 8 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 3. OTHERS??

Discussion

This action considers establishing and combining the Gulf and South Atlantic ABCs and ACLs for black grouper in the Southeastern U.S. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective SSCs for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for OFL and ABC for black grouper. Although black grouper has

been managed as two different stocks for regulatory purposes, the stock assessment (SEDAR 19 2010) considered black grouper from the Gulf and South Atlantic to be a single biological stock. For the purposes of management of black grouper, the ACL could be set equal to the ABC, since black grouper are not currently overfished or undergoing overfishing (SEDAR 19 2010). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for black grouper based on yield projections from the most recent stock assessment (SEDAR 19 2010). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for black grouper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1986-2008 + 50% of catch history from 2006-2008 resulting in 47% of the ABC going to the South Atlantic and 53% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would manage black grouper as a single unit with an overall combined multijurisdictional ABC and ACL. This method of management could still have within it recreational and commercial fishing allocation. However, neither sector would be closed in a fishing year so long as the overall ACL had not been met, if that AM was selected as preferred.

Alternative 3 would use both Councils' agreed upon acceptable biological catch (ABC) for black grouper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3b – 3d**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would combine the current recreational allocations (i.e., 63% of the ACL for the South Atlantic and 27% of the ACL for the Gulf) for black grouper into a single recreational allocation. The respective commercial allocations for each Council would continue to be managed directly by the responsible Council. This option may be inherently problematic for several reasons, first the recreational portion of the Gulf black grouper ACL and annual catch target (ACT) is undefined because there is no defined allocation of recreational harvest, instead black grouper is included in the shallow-water grouper complex (GMFMC 2011). The ACL for the shallow-water groupers is determined using black grouper as the indicator species for the complex. This means that the Gulf recreational allocation for black grouper is undefined and would need to be revisited.

Option 3b would divide the sector allocations based on the ratio of landings, with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3d** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 19** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 20**. Sector allocation options were determined with landings

constrained to be no higher than the ACL for each respective sector in each Council's jurisdiction. For black grouper, the respective ACLs were not exceeded.

Table 18. Sector allocation options for black grouper for Alternative 3 of Action 8. Percentages were derived from landings in whole weight.

Black Grouper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	*Would vary annually based on yield projections*	
Option 3b	62%	38%
Option 3c	48%	52%
Option 3d	58%	42%

Table 19. Commercial and recreational landings of black grouper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight.

Year	Commercial		Recreational	
	Gulf	*South Atlantic*	*Gulf*	*South Atlantic*
1993	515679	146214	13903	169438
1994	431911	131164	26451	217951
1995	309725	201737	63266	177669
1996	306206	190494	29489	372712
1997	185267	169530	54740	465053
1998	254355	174739	138058	272127
1999	362967	128968	43216	66471
2000	416218	122650	14505	107069
2001	389736	136082	30654	154036
2002	334195	149681	16054	130980
2003	389081	151382	18404	234406
2004	372206	147167	8352	189348
2005	217295	115345	45363	164478
2006	225776	81753	1555	124960
2007	137965	95501	20413	193300
2008	67007	52722	4583	179112
2009	38649	46726	23154	137771
2010	27537	44057	391	36186
2011	50526	62407	667	51898
2012	54165	50813	30718	149353
2013	63400	54075	3815	99096

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the black grouper fishery has historically been dominated by the commercial fishery. However, recreational landings have increased in the more recent time series (2009-2013), resulting in the ratio of landings between the sectors to slightly favor the

recreational sector. It is important to note that during the time periods considered in **Alternative 3**, neither the commercial nor the recreational sector exceeded their respective ACLs.

Actions 9 & 10 pertain to seasonal closures in the shallow-water grouper fisheries of the Gulf of Mexico and the South Atlantic. Seasonal closures are time-based closures to fishing effort to conserve or protect fish stocks from harvest during periods of increased vulnerability, such as during spawning seasons.

Action 9. Modify Shallow-water Grouper Species Compositions and Seasonal Closures in the Gulf and South Atlantic

Note: *Alternatives in this action may be selected in conjunction with those in Actions 7, 8, and 10. Currently, more than one alternative may be selected as preferred for this action.*

Alternative 1: No action. Retain the existing respective shallow-water grouper species compositions and seasonal closures in the Gulf and South Atlantic Councils.

Alternative 2: Remove the shallow-water grouper closure for all affected grouper species in the Gulf of Mexico and the South Atlantic:

Option 2a: from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida.

~~**Option 2b**: Throughout each Council's jurisdiction.~~

Alternative 3: Establish identical regulations for shallow-water grouper species compositions for the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida:

Option 3a: Adopt the Gulf shallow-water grouper species composition for the Gulf and South Atlantic.

Option 3b: Adopt the South Atlantic shallow-water grouper species composition for the Gulf and South Atlantic.

Option 3c: Specify a new and identical shallow-water species complex for the Gulf and South Atlantic.

Alternative 4: Establish identical regulations for the shallow-water grouper seasonal closures in the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida:

Option 4a: Adopt the Gulf shallow-water grouper seasonal closures for the Gulf and South Atlantic.

Option 4b: Adopt the South Atlantic shallow-water grouper seasonal closures for the Gulf and South Atlantic.

Option 4c: Establish new and identical regulations for shallow-water grouper seasonal closures in the Gulf of Mexico and the South Atlantic.

~~**Alternative 5:** Establish identical regulations for the shallow-water grouper seasonal closures throughout the Gulf and South Atlantic:~~

~~**Option 5a**: Adopt the Gulf shallow-water grouper seasonal closures for the Gulf and South Atlantic.~~

~~**Option 5b**: Adopt the South Atlantic shallow-water grouper seasonal closures for the Gulf and South Atlantic.~~

~~**Option 5c**: Establish new and identical regulations for shallow-water grouper seasonal closures in the Gulf of Mexico and the South Atlantic.~~

Alternative 6: Modify the shallow-water grouper seasonal closure off Monroe County, Florida to allow harvest of other shallow-water grouper species and only close harvest of gag.

Note: Items in ~~strikethrough~~ were recommended to be moved to the Considered but Rejected Appendix by the Gulf Council in April 2015.

IPT Note: If it is the Councils' intent to modify shallow-water grouper species compositions the IPT recommends splitting this action into two separate actions addressing species compositions and seasonal closures, respectively.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 10 (now Number 9 above).
APPROVED BY SAFMC SG AP (13/0)

MOTION: COUNCIL CONSIDER MOVING THE MANAGEMENT BOUNDARY FOR SNAPPER GROUPER SPECIES FROM THE GULF/SOUTH ATLANTIC COUNCIL BOUNDARY NORTH TO SHARK POINT FOR THE SNAPPER GROUPER FISHERY MANAGEMENT UNIT.
APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION
OPTION 1. MOVE OPTION 2B AND ALTERNATIVE 5, OPTIONS 5A-5C TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 2. APPROVE THE REMAINING ACTION 9 ALTERNATIVES FOR DETAILED ANALYSES.
OPTION 3. APPROVE THE IPT RECOMMENDATION TO SPLIT THIS ACTION INTO TWO SEPARATE ACTIONS ADDRESSING SPECIES COMPOSITIONS AND SEASONAL CLOSURES, RESPECTIVELY.
OPTION 4. MOVE ACTION 9 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 5. OTHERS??

Discussion:
In the Gulf of Mexico, a separate recreational gag season was developed as part of the gag rebuilding plan (GMFMC 2012). Because other SWG stocks are considered healthy, the utility of the SWG closure was questioned. In addition, much of the dominant gag spawning grounds are now protected by time-area closures. In response to this, the Gulf Council submitted a framework action that among other things, eliminated the February 1 through March 31 SWG

closure shoreward of 20 fathoms in the Gulf of Mexico (GMFMC 2012). These new regulations were adopted and implemented in 2013. The SWG closure is still enforced in the exclusive economic zone in the Gulf for waters seaward of 20 fathoms (~36.5 m, or 120 feet). It should be noted that the SEDAR 33 stock assessment, in combination with additional analyses as requested by the Gulf Council's SSC, determined that the Gulf of Mexico gag population was rebuilt at their June 2014 meeting.

The January-April commercial and recreational spawning season closure for South Atlantic SWG was put into place through the final rule for Amendment 16 to the Snapper Grouper FMP (SAFMC 2008). Off the southeastern United States, gag spawn from December through May, with a peak in March and April (McGovern et al. 1998). There is some evidence that spawning may occur earlier off Florida compared to other more northern areas. Gag may make annual late-winter migrations to specific locations to form spawning aggregations, and fishermen know many of these locations. McGovern et al. (2005) found gag were capable of extensive movement and suggested some large scale movement may be related to spawning. In 1998, the South Atlantic Council took action to reduce fishing mortality and protect spawning aggregations of gag and black grouper. Actions included a March-April spawning season closure for the commercial sector. While a March-April commercial closure may offer some protection to spawning aggregations including the selective removal of males, the January-April spawning season closure provided greater protection. Although gag spawn from December through May, aggregations are in place before and after spawning activity (Gilmore and Jones 1992). Therefore, males can be removed from spawning aggregations early in the spawning season, and this could affect the reproductive output of the aggregation if there were not enough males present in an aggregation for successful fertilization of eggs. Amendment 16 (SAFMC 2008) also established a provision to close other SWG including black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney, which are also known to spawn during January-April. Further protection for gag and SWG were provided through the establishment of ACLs and AMs in Amendment 17B to the Snapper Grouper FMP (SAFMC 2010b) and the Comprehensive ACL Amendment (SAFMC 2011), respectively. Thus, the seasonal closure provides protection to SWG during their spawning season when SWG species may be exceptionally vulnerable to fishing pressure, and ACLs and AMs are in place to help ensure overfishing does not occur. Information on SWG in the South Atlantic is provided in **Table 21**.

Alternative 1 would retain the existing respective shallow-water grouper species compositions and seasonal closures in the Gulf and South Atlantic Councils. **Alternative 2** would remove the shallow-water grouper closure for all affected grouper species in the Gulf of Mexico and the South Atlantic either from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida (**Option 2a**) ~~or throughout each Council's jurisdiction (**Option 2b**)~~. Law enforcement personnel have commented that the geographic boundaries proposed in **Alternative 2**, **Option 2a** may be easier to abide by and enforce. The Dade/Monroe County line in the east is a well-known and acknowledged boundary, and the waters west of Shark Point on the west coast of Monroe County do not constitute heavily used fishing grounds.

Alternative 3 would establish identical regulations for shallow-water grouper species compositions for the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida by adopting either the Gulf shallow-water grouper species composition (**Option 3a**) or the South Atlantic shallow-water grouper species composition (**Option 3b**) for the Gulf and South Atlantic, or by specifying a new and identical shallow-water species complex for the Gulf and South Atlantic (**Option 3c**). Developing identical regulations for shallow-water grouper species compositions in both Councils' jurisdictions would simplify management for fishermen, especially those who may fish in both Councils' jurisdictions on a single trip. **Alternative 4** would establish identical regulations for the shallow-water grouper seasonal closures in the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida by adopting the Gulf shallow-water grouper seasonal closures (**Option 4a**) or the South Atlantic shallow-water grouper seasonal closures (**Option 4b**) for the Gulf and South Atlantic, or by establishing new and identical regulations for shallow-water grouper seasonal closures in both Councils' jurisdictions (**Option 4c**). ~~**Alternative 5** would establish identical regulations for the shallow-water grouper seasonal closures in the same manner and with the same options as **Alternative 4**, except that the resultant regulations would be applicable throughout the Gulf and South Atlantic~~. **Alternative 6** would modify the shallow-water grouper seasonal closure off Monroe County, Florida to allow harvest of other species and only close harvest of gag. **Alternative 6** would allow fishermen to pursue shallow-water grouper species determined in **Alternative 3** (if **Alternative 3** is selected as preferred), while protecting the recovery of gag in the South Atlantic.

Spawning season closures were established by both Councils based on the effects of fishing pressure on the reproductive characteristics of shallow-water grouper (SWG) are most often seen in the average size of fish landed, and in changes in sex ratios over time (Coleman et al. 1996; Koenig et al. 2000). Long-term effects can include decreases in fecundity, population abundance, and concomitantly, catch limits. Commercially and recreationally important SWG species which would be subject to additional exploitation, such as red grouper (*Epinephelus morio*), black grouper (*Mycteroperca bonaci*), gag (*M. microlepis*), yellowfin grouper (*M. venenosa*), yellowmouth grouper (*M. interstitialis*), and scamp (*M. phenax*), all of which are protogynous species (Shapiro 1987, Böhlke and Chaplin 1993) attracted to high-relief sites. Gag, scamp, and black grouper form predictable, localized, and seasonal spawning aggregations, increasing their vulnerability to exploitation (Gilmore and Jones 1992; Coleman et al. 1996; Coleman et al. 2000; Brule et al. 2003). Yellowfin and yellowmouth groupers may be similarly vulnerable; however, substantially less empirical life history information is available for these two species (**Table 20**).

Table 20. Gulf of Mexico shallow-water grouper spawning information and recreational season closures. The shallow-water grouper complex applies to both the recreational and commercial sector in the Gulf of Mexico; however, the commercial sector is managed with an individual fishing quota system so the season closures listed below only apply to the recreational sector.

Gulf of Mexico Shallow-Water Grouper Complex					
Species	**Current Recreational Closure**	**Spawning Season**	**Spawning Depth**	**Northernmost Distribution**	**Data Source(s)**
Gag	1/1-6/30 and 12/4-12/31	January-May	50-120 m	Northern Florida Panhandle	SEDAR 33
Black Grouper	2/1- 3/31 > 20-fath	February-April	≥ 30 m	Middle Grounds/Big Bend	SEDAR 19
Red Grouper	2/1- 3/31 > 20-fath	March-May	25-120 m	Northern Florida Panhandle	SEDAR 12, 2009 SEDAR 12 Update
Scamp	2/1- 3/31 > 20-fath	January-May	30-100 m	Gulf-wide	Heemstra and Randall 1993, Coleman et al. 2011
Yellowfin Grouper	2/1- 3/31 > 20-fath	February-April	30-40 m	Gulf-wide	Nemeth et al. 2006
Yellowmouth Grouper	2/1- 3/31 > 20-fath	March-May	≤ 150 m	Gulf-wide	Heemstra and Randall 1993; Bullock and Murphy 1994

Table 21. South Atlantic shallow-water grouper complex spawning information. The shallow-water complex applies to both the commercial and recreational sectors in the South Atlantic.

Species	Current Rec & Comm Closure	Peak Spawning Season	General Spawning Depth	Data Source(s)
Gag	January-April	January-May	24-117 m	McGovern et al. 1998; SEDAR 10
Black Grouper	January-April	January-March	≥ 30 m	Crabtree and Bullock 1998; SEDAR 19
Red Grouper	January-April	February-April	30-90 m	Williams and Carmichael 2009; SEDAR 19
Scamp	January-April	March-May	33-93 m	Williams and Carmichael 2009; Harris et al. 2002
Yellowfin Grouper	January-April	March in FL Keys		Taylor and McMichael 1983
Yellowmouth Grouper	January-April	March-May in Gulf		Bullock and Murphy 1994
Red Hind	January-April	December-February in Caribbean		Thompson and Munro 1978
Rock Hind	January-April	January through March off Cuba		García-Cagide et al. 1994; Rielinger 1999
Graysby	January-April	March, May-July in Caribbean		Erdman 1976
Coney	January-April	November to March off Puerto Rico		Figuerola et al. 1997

Action 10. Modify Black Grouper Fishery Closures and Bag Limits in the Gulf of Mexico and the South Atlantic.

Note: *Alternatives in this action may be selected in conjunction with those in Actions 7, 8, and 9.*

Alternative 1: No Action – Do not modify black grouper recreational closures in the Gulf of Mexico or recreational and commercial closures in the South Atlantic. Maintain currently established seasonal bag limits in both the Gulf of Mexico and the South Atlantic, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits.

Alternative 2: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf and of the recreational and commercial seasons in the South Atlantic.

Alternative 3: Establish a recreational seasonal closure for black grouper for the Gulf and the South Atlantic. *(Multiple options may be chosen)*

Option 3a: January
Option 3b: February
Option 3c: March

South Atlantic Council would prefer the following Options:

Option 3a: January – March
Option 3b: January
Option 3c: February
Option 3d: March

Alternative 4: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Florida.

Alternative 5: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Monroe County, Florida.

~~**Alternative 6:** Remove black grouper from recreational aggregate bag limits in the Gulf of Mexico.~~

Alternative 7: Remove black grouper from recreational aggregate bag limits in the South Atlantic.

Alternative 8: Establish a recreational bag limit for black grouper.

Option 8a: One fish/person/day
Option 8b: Two fish/person/day
Option 8c: Three fish/person/day
Option 8d: Four fish/person/day
Option 8e: Apply this bag limit only to the following area(s):
Sub-option 8a: Off Monroe County

Sub-option 8b: In federal waters off Florida
~~Sub-option 8c: In federal waters of the Gulf and the South Atlantic~~

Alternative 9: Modify the commercial seasonal closure for black grouper in the Gulf of Mexico and the South Atlantic.

Option 3a: January
Option 3b: February
Option 3c: March

Added by the South Atlantic Council. This addition is not supported by the Gulf Council.

Note: Items in ~~strikethrough~~ were recommended to be moved to the Considered but Rejected Appendix by the Gulf Council in April 2015.

Note: The Councils are considering delegating certain management actions to the State of Florida for future modifications to black grouper management; however, there are some changes the Councils are proposing now to modify management measures for black grouper.

IPT Note: The IPT recommends splitting this action into two separate actions addressing seasonal closures and bag limits, respectively.

IPT Note: Establishing bag limits under Alternative 8 of Action 11 seems to duplicate efforts in Alternative 2, Option 2c of Action 7. If it is the Councils' desire to establish bag limits for black grouper in the manner shown in Action 11, then the Councils may wish to reconsider delegating the setting and changing of bag limits for black grouper to the State of Florida as outlined in Action 7.

The South Atlantic Council wants to include discussion and a new alternative considering changes to commercial black grouper management, including seasonal closures and trip limits. These changes would affect the Gulf shallow-water grouper IFQ program. The Gulf Council does not support the inclusion of this discussion.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 11 (now Number 10 above).
APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION

OPTION 1. MOVE ALTERNATIVE 6 AND SUB-OPTION 8C TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 2. MODIFY ALTERNATIVE 3 OPTIONS TO REFLECT OPTIONS 3A – 3D.
OPTION 3. MOVE ALTERNATIVE 9 TO THE CONSIDERED BUT REJECTED APPENDIX **OR** MODIFY ALTERNATIVE 9 TO ONLY APPLY TO THE SOUTH ATLANTIC (COUNCILS TO SPECIFY).
OPTION 4. APPROVE THE IPT RECOMMENDATION TO SPLIT THIS ACTION INTO TWO SEPARATE ACTIONS ADDRESSING SEASONAL CLOSURES AND BAG LIMITS, RESPECTIVELY.
OPTION 5. MOVE ACTION 10 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 6. OTHERS??

Discussion

Modifying the current black grouper closures in the Gulf of Mexico and the South Atlantic could provide or remove protections to spawning aggregations, especially during peak spawning activity in January through March. The protection of spawning aggregations has shown to be beneficial to other heavily-targeted protogynous groupers (see Gulf of Mexico gag, SEDAR 33). Also, modifying the inclusion of black grouper in recreational bag limits in the Gulf of Mexico and the South Atlantic could provide additional harvest capacity for the recreational sector in the south Florida region, and may increase removals of other shallow-water groupers which may be under rebuilding plans. Removal of black grouper from the shallow-water grouper aggregate bag limit could permit the additional harvest of other shallow-water grouper species still included in bag limit. The same can be said about the potential additional harvest of other reef fish species included in the reef fish aggregate bag limit.

Alternative 1 would retain the current black grouper recreational closure in the Gulf of Mexico, and the recreational and commercial closures in the South Atlantic. Currently established seasonal bag limits in both the Gulf of Mexico and the South Atlantic would also remain the same, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits.

Alternative 2 would remove black grouper from the shallow-water grouper closure of the recreational season in the Gulf and of the recreational and commercial seasons in the South Atlantic, thus allowing harvest throughout the South Florida region year-round. Alternatively,

Alternative 3 would establish a recreational seasonal closure for black grouper during January only (**Option 3a**), during February only (**Option 3b**), or during March only (**Option 3c**). Multiple months can be selected for **Alternative 3** if a closure is determined necessary for multiple months.

Alternative 4 would remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Florida. This would open black grouper up to recreational fishing effort beyond 20 fathoms in Gulf waters off Florida during February and March, and to recreational and commercial fishing effort in Atlantic waters off Florida from January through April.

Alternative 5 would have the same effects as **Alternative 4**, except that **Alternative 5** would only apply to those waters off Monroe County, Florida.

~~**Alternative 6** would remove black grouper from recreational aggregate bag limits in the Gulf of Mexico, and~~ **Alternative 7** would do the same in the South Atlantic. **Alternatives 6** and **7** have the potential to result in increased harvest capacity for those species remaining in the shallow-water grouper aggregate bag limits, as black grouper would no longer account for some portion of those bag limits. Such a removal would permit the harvest of additional fish still included within those respective aggregate bag limits.

Alternative 8 would establish a recreational bag limit for black grouper, with one of the following options: **Option 8a**: One fish/person/day; **Option 8b**: Two fish/person/day; **Option 8c**: Three fish/person/day; and **Option 8d**: Four fish/person/day. **Option 8e** of **Alternative 8** would apply the bag limit option selected from **Options 8a-8d** only to the following area(s): **Sub-option 8a**: Off Monroe County or **Sub-option 8b**: In federal waters off Florida; ~~**or Sub-option 8c**: In federal waters of the Gulf and the South Atlantic~~. Due to a paucity of data, it is not possible to conduct a thorough analysis of this alternative for Gulf waters. An analysis of **Alternative 8** for South Atlantic waters is provided in Appendix E.

Action 11 pertains to harmonizing size and bag limits for shallow-water grouper species. Any changes selected in Action 9 will directly impact which species are included in the following action.

Action 11: Harmonize bag and size limits for species in shallow-water grouper complex seasonal closures in Federal Waters Adjacent to Monroe County, Florida.

Alternative 1: No action – Retain the current bag and size limits for species in shallow-water grouper complex seasonal closures in federal waters adjacent to Monroe County, Florida.

Alternative 2: Harmonize the bag limits for species included in the shallow-water grouper seasonal closures ~~in the exclusive economic zone of the Gulf of Mexico and the South Atlantic~~ in federal waters adjacent to Monroe County, Florida.

Alternative 3: Harmonize the size limits for species included in the shallow-water grouper seasonal closures ~~in the exclusive economic zone of the Gulf of Mexico and the South Atlantic~~ in federal waters adjacent to Monroe County, Florida.

Modified by the South Atlantic Council. These alternatives are not supported by the Gulf Council.

***Note**: Species included in the shallow-water complex considered for Action 11 will be subject to the preferred alternatives selected in Action 9.*

IPT Note: The wording approved by the South Atlantic Council for Alternatives 2 and 3 (in ~~strikethrough~~) needs to be amended to reflect that Action 11 addresses only federal waters adjacent to Monroe County, Florida.

MOTION: ADOPT ALTERNATIVES 2 & 3 IN ACTION 12 (now Number 11 above) WITH THE WORDING: IN FEDERAL WATERS ADJACENT TO MONROE COUNTY, FLORIDA. APPROVED BY SAFMC SG AP (14/0)

COUNCIL ACTION
OPTION 1. APPROVE THE MODIFIED LANGUAGE FOR ALTERNATIVES 2 AND 3.
OPTION 2. MOVE ACTION 11 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 3. OTHERS??

Action 12 pertains to modifications of permissible gear types.

Action 12. Changes to Circle Hook Requirement in Gulf and South Atlantic Jurisdictional Waters

Note: This action may be selected in conjunction with Actions 1, 3, and 7. Multiple alternatives may be selected as preferred for this action.

Alternative 1: No action – Retain the current hook requirements in the exclusive economic zone of the Gulf of Mexico and the South Atlantic.

Alternative 2: Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in the exclusive economic zone of the Gulf of Mexico.

Option 2a: For the recreational fishing sector

Option 2b: For the commercial fishing sector

Alternative 3: Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper south of 28° North latitude in the exclusive economic zone of the Gulf of Mexico.

Option 3a: For the recreational fishing sector

Option 3b: For the commercial fishing sector

Alternative 4: Require the use of circle hooks when fishing with natural bait for all snapper-grouper species south of 28° North latitude in the exclusive economic zone of the South Atlantic.

Option 4a: For the recreational fishing sector

Option 4b: For the commercial fishing sector

Alternative 5. Remove the requirement to use circle hooks when fishing with natural bait for all species in the snapper grouper complex north of 28° North latitude in the exclusive economic zone of the South Atlantic.

Option 5a: For the recreational fishing sector

Option 5b: For the commercial fishing sector

Alternative 6. Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in federal waters from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida

Option 6a: For the recreational fishing sector

Option 6b: For the commercial fishing sector

IPT Note: The IPT recommends the removal of Alternative 5, as it is outside of the scope of this amendment. The area being referenced in Alternative 5 includes areas north of the State of Florida.

The South Atlantic Council would like to retain Alternative 5, as it would allow them to address other aspects of Snapper-Grouper management in one document. The Gulf Council discouraged the inclusion of items which are outside the scope of this amendment.

MOTION: AP RECOMMENDS REMOVING CIRCLE HOOK REQUIREMENT IN SOUTH ATLANTIC FOR RECREATIONAL SECTOR (ALTERNATIVE 5, OPTION 5A). Disapproved by SAFMC SG AP (2/10)

COUNCIL ACTION

OPTION 1. MODIFY THE LANGUAGE FOR ALTERNATIVE 2 TO SPECIFY A BOUNDARY SOUTH OF 28 DEGREES NORTH OR SHARK POINT OR THE SA/GM COUNCIL BOUNDARY.

OPTION 2. APPROVE THE MODIFIED ALTERNATIVE 2 AND THE REMAINING ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 3. MOVE ACTION 12 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. OTHERS??

Discussion:

Action 12 pertains to modifications of permissible gear types. In 2008, the Gulf Council adopted a preferred management alternative in Amendment 27 to the Reef Fish Fishery Management Plan, which required recreational anglers fishing in federal waters to use non–stainless steel circle hooks when catching reef fishes with natural bait (50 CFR 622.41). Circle hooks are defined by regulation as "a fishing hook designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape." Florida matched federal regulations, with the added specification that a circle hook must have zero degrees of offset (Florida Administrative Code §68B-14.005).

In 2010, the South Atlantic Council approved Amendment 17A to the snapper grouper Fishery Management Plan (SAFMC 2010a), which required recreational and commercial anglers fishing in federal waters to use non-stainless steel circle hooks (offset or non-offset) when fishing for all species in the snapper grouper complex when using hook-and-line-gear with natural baits in waters North of 28 degrees North latitude. This requirement was effective March 3, 2011.

Multiple reef fish species managed by the Gulf Council occur in waters south of 28°N latitude. A recent stock assessment on red snapper recognized and incorporated reduced discard mortality as a result of the requirement to use circle hooks when fishing with natural bait (SEDAR 31 2013). Sauls and Ayala (2012) observed red snapper caught with circle hooks and J hooks within the recreational sector and reported a 63.5% reduction in potentially lethal hooking injuries for red snapper caught with circle hooks (6.3% potentially lethal injuries, versus 17.1% with J hooks) (SEDAR 31 2013). SEDAR 33 (2014a, b) examined the effects of hook type on gag and greater amberjack and determined that the generally low level of recreational discard mortality for both species (both prior to and after the 2008 circle hook requirement) negated the realization of benefits from using circle hooks (Sauls and Ayala 2012; Sauls and Cermak 2013; Murie and Parkyn 2013).

Alternative 1 would retain the current circle hook requirements in Gulf of Mexico jurisdictional waters, requiring recreational anglers fishing in federal waters to use non–stainless steel circle hooks when catching reef fish with natural bait. Biological impacts from this alternative are not expected to change from present conditions. Any biological benefit(s) to the current circle hook requirement would be expected to persist.

Alternative 2 would remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in the Gulf of Mexico. **Option 2a** would remove the requirement for the recreational fishing sector, and **Option 2b** would remove the requirement for the commercial fishing sector. Anglers have informed resource managers of an increased propensity for gut-hooking yellowtail snapper when fishing with circle hooks due to the small size of hook needed to successfully hook yellowtail snapper. Anglers indicate that the smaller circle hooks are swallowed completely into the stomach, increasing the likelihood of the hook snagging somewhere in the fish's digestive tract. If J-hooks are permitted for use, anglers argue, they will be able to hook yellowtail snapper in the mouth more frequently due to the morphology of the fish's mouth.

In the absence of scientific literature to characterize differences in lethal hooking injuries from different hook types for yellowtail snapper, the biological effects of removing the circle hook requirement are largely unknown. However, requiring the use of one hook type for multiple cohabitating species and not for another may result in a management measure which is difficult to enforce. Anglers fishing for yellowtail snapper with hooks other than circle hooks would not be likely to keep from landing any of the other reef fish species for which circle hooks are required. Incidental catch of fish other than yellowtail snapper under **Alternative 2 Option 2a** may have deleterious biological effects on bycatch, including those species which are currently under rebuilding plans (red snapper and gray triggerfish). These effects could be influential elsewhere in the Gulf, as yellowtail snapper are increasingly found off Texas. A potential exception to these possible impacts applies to the commercial fishing sector (**Option 2b**), where the fishing practices used almost exclusively target yellowtail snapper. Commercial fishermen indicate that they use chum bags on the surface to encourage yellowtail snapper to school near the transom of the fishing vessel, and then use natural bait on small hooks to catch and land the fish. The commercial fishermen also indicate that their release tools allow them to release yellowtail snapper which have been caught with J-hooks more easily than those caught with circle hooks, resulting in decreased handling times for fish which are to be discarded.

Alternative 3 would remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper south of 28°N latitude in the EEZ in the Gulf (**Figure 6**). **Option 3a** would remove the requirement for the recreational fishing sector, and **Option 3b** would remove the requirement for the commercial fishing sector. **Alternative 3** would be expected to have similar negative biological consequences as **Alternatives 2**, albeit to a lesser degree than both. Under **Alternative 3**, all yellowtail snapper which occur in the Gulf south of 28°N latitude would be vulnerable to fishing pressure from hook types other than circle hooks. Permitting the use of any hook type may have negative effects on the rebuilding plans of other reef-associated species (such as red snapper), and may result in increased discard mortality in multiple fisheries.

Alternative 4 would require the use of circle hooks when fishing with natural bait for all snapper-grouper species south of 28° North latitude in the exclusive economic zone of the South Atlantic for the recreational fishing sector (**Option 4a**) and/or the commercial sector (**Option 4b**). Such a requirement would make the snapper-grouper regulations in the South Atlantic commensurate with the reef fish regulations for the Gulf of Mexico. Additionally, benefits to the biological environment may be realized for those species with documented decreases in post-release mortality when caught with circle hooks as opposed to other hook types.

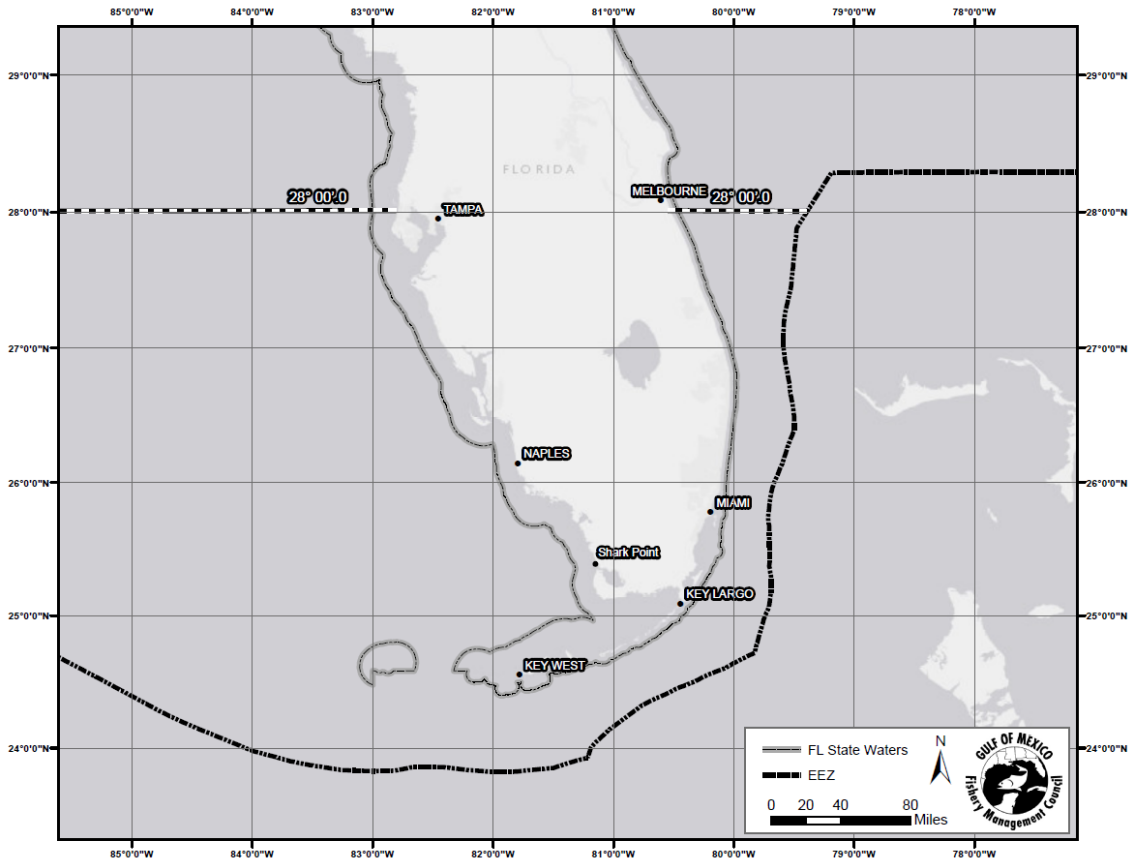

Figure 6. State of Florida with proposed 28 degree North latitude boundary in the Gulf and South Atlantic Councils' jurisdictions.

Alternative 5 would remove the requirement to use circle hooks when fishing with natural bait for all species in the snapper grouper complex north of 28° North latitude in the exclusive economic zone of the South Atlantic for the recreational fishing sector (**Option 5a**) and/or the commercial sector (**Option 5b**). This alternative would create consistent fishing regulations for the selected sector(s) throughout the South Atlantic Council's jurisdiction. Any socio-economic benefits currently realized south of 28° North latitude would be realized north of that line, as would any biological impacts.

Alternative 6 would remove the requirement to use circle hooks when fishing for yellowtail snapper in federal waters from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida (**Figure 7**) for the recreational fishing

sector (**Option 6a**) and/or the commercial sector (**Option 6b**). Circle hooks are currently not required when fishing for yellowtail snapper south of 28˚ N latitude in the exclusive economic zone of the South Atlantic. The primary harvest areas for both the recreational and commercial sectors exist south of ~26˚ N latitude (Monroe and Dade counties, >70% recreational and >97% commercial). When commercial fishing for yellowtail snapper, fishermen use chum to bring the fish to the surface. Small hooks are baited with natural bait and fish are typically hooked at the surface within five meters of the fishing vessel. This practice has been shown to limit bycatch of non-yellowtail snapper species, since fishermen can actively monitor which fish are pursuing a bait. Additionally, commercial fishermen believe that the combination of hook size and historical fishing practices can serve as safeguards against bycatch of undersized yellowtail snapper and non-yellowtail snapper species.

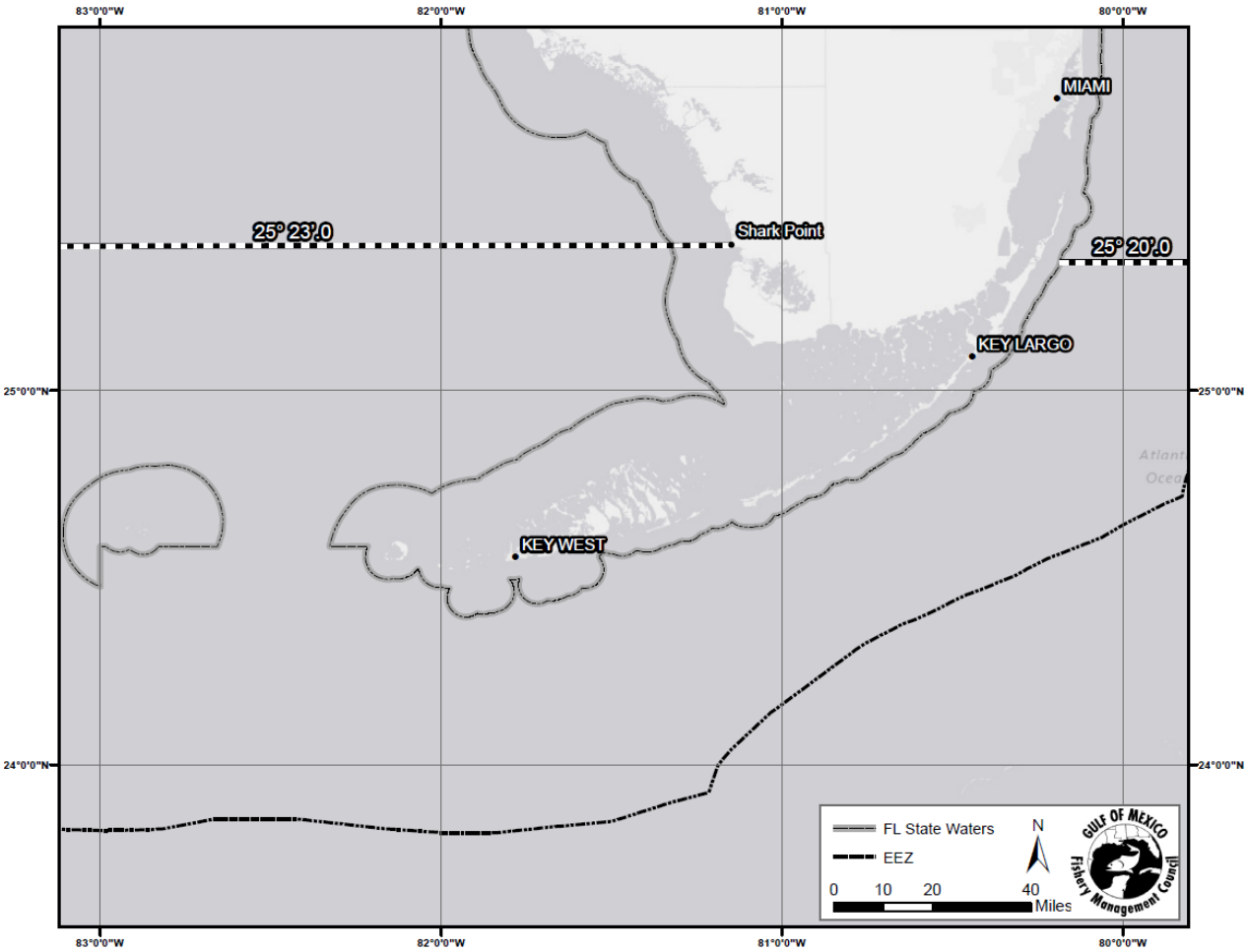

Figure 7. State of Florida with proposed Shark Point boundary line on the west coast of Florida and Dade/Monroe County line on the east coast of Florida.

Action 13 pertains exclusively to accountability measures. Accountability measures are used by the Councils to compensate for overages in a given fishing year, to decrease the probability that deleterious impacts to fisheries will persist for long time periods.

Action 13: Specify Accountability Measures for South Florida Species

Note: Under some circumstances more than one alternative could be selected as preferred.
Alternative 1: No action. Maintain the current recreational and commercial accountability measures (AMs) for yellowtail snapper, mutton snapper, and black grouper based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

South Atlantic: Commercial AM – In-season closure when the ACL is expected to be met and ACL reduced in following fishing season if species is overfished and ACL is exceeded. Recreational AM – if ACL is exceeded, monitor landings in following season for persistence in landings and reduce the length of the following fishing season, if necessary.

Gulf: For Yellowtail Snapper and Mutton Snapper, if the combined commercial and recreational landings exceed the stock ACL, in–season AMs are in effect for the following year. If the combined landings reach or are projected to reach the stock ACL, both sectors will be closed for the remainder of that fishing year. For black grouper, this AM applies to the ACL for the other shallow-water grouper aggregate (black grouper, scamp, yellowmouth grouper, and yellowfin grouper).

Alternative 2: If the sum of the commercial and recreational landings exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, then the commercial and recreational sectors will be closed for the remainder of that fishing year. On and after the effective date of a closure, all sales, purchases harvest or possession of this species in or from the EEZ will be prohibited.

Option 2a: For yellowtail snapper
Option 2b: For mutton snapper
Option 2c: For black grouper

Alternative 3: If commercial landings ~~as estimated by the Science and Research Director~~ reach or are projected to reach the commercial ACL, NMFS ~~the Regional Administrator shall publish a notice to~~ would close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the EEZ would be limited to the recreational bag and possession limit. Additionally, if the commercial ACL is exceeded, NMFS ~~the Regional Administrator shall publish a notice to~~ would reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished **and** the total ACL (commercial ACL and recreational ACL) is exceeded.

Option 3a: For yellowtail snapper
Option 3b: For mutton snapper
Option 3c: For black grouper

Alternative 4: If recreational landings~~, as estimated by the Science and Research Director,~~ exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, NMFS ~~the Regional Administrator shall publish a notice to~~ would reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished **and** the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if NMFS ~~the Regional Administrator~~ determines, using the best scientific information available, that a reduction is unnecessary.

Option 4a: For yellowtail snapper
Option 4b: For mutton snapper
Option 4c: For black grouper

Alternative 5: If recreational landings reach or are projected to reach the recreational ~~annual catch limit~~ ACL, NMFS would ~~National Marine Fisheries Service will file a notification with the Office of the Federal Register to~~ close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, NMFS determines that a closure is unnecessary.

Option 5a: If the species is overfished
Sub-option 5a(1): For yellowtail snapper
Sub-option 5a(2): For mutton snapper
Sub-option 5a(3): For black grouper
Option 5b: Regardless of stock status
Sub-option 5b(1): For yellowtail snapper
Sub-option 5b(2): For mutton snapper
Sub-option 5b(3): For black grouper

Alternative 6: The Councils would jointly set the ACL for the recreational and commercial sector. If the combined recreational ACL and commercial ACL is met or expected to be met, NMFS would close both sectors for the remainder of the fishing year.

Option 6a: yellowtail snapper
Option 6b: mutton snapper
Option 6c: black grouper

Note: *The South Atlantic Council is considering changes to their accountability measures in Snapper-Grouper Amendment 34, which could change the no-action and action alternatives in Action 9. These changes have been transmitted to the Secretary of Commerce by the South Atlantic Council, and are currently in the NMFS review and rule-making process.*

The South Atlantic Council would like for the language in Alternatives 3, 4, and 5 to mirror similar language found in the South Atlantic Council's Generic Accountability Measures Amendment. The language proposed herein has been provided by the Southeast Regional Office to be more similar to language NMFS is using or recommending in multiple other documents. The Gulf Council did not support modifying the language as presented.

The SAFMC SG AP did not discuss the accountability measures. They chose to wait until the Councils take action before they provide any input.

COUNCIL ACTION

OPTION 1. MODIFY THE LANGUAGE FOR ALTERNATIVES 3, 4, AND 5 TO TRACK THE LANGUAGE USED BY THE SOUTH ATLANTIC COUNCIL.

OPTION 2. MODIFY THE LANGUAGE FOR ALTERNATIVES 3, 4, AND 5 TO TRACK THE NEW LANGUAGE PROVIDED BY NMFS SERO.

OPTION 3. MOVE ALTERNATIVE 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. APPROVE THE MODIFIED ALTERNATIVES 3, 4, AND 5 AND THE REMAINING ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 5. OTHERS??

Discussion

Alternative 2 follows the AMs that are in place for Gulf species; whereas, **Alternatives 3-5** follow AMs that are being considered for snapper-grouper species in the Comprehensive AM and Dolphin Allocation Amendment. **Alternative 6** would close the areas covered by a joint ABC and ACL to fishing for the species selected in the associated options only when the overall ACL is met. **Alternative 6** would require each Council to establish recreational and commercial ACLs for the preferred options.

Compared to **Alternative 1 (No Action)**, **Alternatives 2-6** would benefit the biological environment to varying degrees based on the sub-alternatives chosen under each alternative. For the recreational sector, the most biologically beneficial option is likely **Alternatives 5**. For the commercial sector, the most biologically beneficial option compared to **Alternative 1 (No Action)** is likely to be **Alternative 3**. None of the alternatives considered under this action would significantly alter the way in which the fisheries are prosecuted in the South Atlantic EEZ. No adverse impacts on endangered or threatened species are anticipated because of this action; nor are any adverse impacts on essential fish habitats or habitat areas of particular concern including corals, sea grasses, or other habitat types.

For the commercial sector, the alternatives may be ranked from lowest to highest probability of paybacks and short-term adverse economic effects as follows: **Alternative 1 (No Action)**, **Alternatives 2**, **Alternatives 6**, and **Alternative 3**. The likelihood that a species would be affected by this action is based primarily on the probability that its total ACL would be reached, and whether or not the species is overfished.

For the recreational sector, **Alternative 4** would be less likely to cause short-term direct economic effects compared to **Alternatives 5** and **6** because any closure would not occur until the second year of overages. However, **Alternatives 5** and **6** would be more likely to prevent long term, direct economic effects compared to **Alternative 4.**

For the commercial sector, maintaining the current AMs under **Alternative 1 (No Action)** would not be expected to result in additional negative effects on the commercial fleets of these fisheries, but could also negate benefits to the commercial sectors by not allowing flexibility in the

payback provisions, such as those in **Alternatives 3** and **6. Alternative 3** would provide the most flexibility for triggering the payback AM, in that the most critical conditions must be met before the payback is triggered, and would be expected to be most beneficial to commercial fishermen in that it would be less likely that a payback is required for an overage. Additionally, **Alternative 3** would be more consistent with AMs for other species such as king mackerel and Spanish mackerel in the South Atlantic.

For the recreational sector, maintaining the current AMs under **Alternative 1 (No Action)** would not be expected to result in additional negative effects on recreational fishermen and for-hire businesses, other than inconsistency in AMs among all species. For many of these species, establishment of a payback provision without a post-season AM under **Alternative 4** would create an increased likelihood that an overage of the recreational ACL could reduce fishing opportunities in the following year. However, **Alternatives 4** provides some flexibility in how a post-season payback would be triggered. The in-season closure AM for the recreational sector in **Alternatives 5** and **6** could have negative effects on recreational fishing opportunities and for-hire businesses for the stocks that do not have a recreational in-season AM in place. However, **Alternative 6** would reduce the likelihood of a recreational in-season closure.

Alternatives 2-6 may be associated with slight changes to the administrative environment based on the frequency with which each of the AM options for the commercial sector would be triggered. The payback provision under **Alternatives 3** and **4** would be triggered less frequently given that the species must be overfished and the total ACL exceeded, resulting in the lowest direct effects on the administrative environment. The administrative impacts associated with **Alternative 2** are largely the same as those under **Alternative 4**, with the addition of continued monitoring for persistence of increased landings when a species' recreational ACL has been exceeded. **Alternatives 3** and **4** are the least likely to be triggered. Overall, the administrative impacts of all the alternatives considered under this action, compared to **Alternative 1 (No Action)**, are expected to be minimal.

NEXT STEPS

OPTION 1. APPROVE FOR PUBLIC HEARINGS.

OPTION 2. DIRECT STAFF/IPT TO COMPLETE THE DOCUMENT AND PROVIDE TO EACH COUNCIL FOR THEIR NEXT MEETING (SAFMC SEPTEMBER 14-18; GMFMC AUGUST 10-14) WITH THE INTENT THAT THE JOINT AMENDMENT BE APPROVED FOR PUBLIC HEARINGS. PUBLIC HEARINGS WOULD BE HELD IN OCTOBER/NOVEMBER WITH EACH COUNCIL REVIEWING AND APPROVING FOR FORMAL REVIEW AT THEIR FOLLOWING MEETING (SAFMC DECEMBER 7-11; GMFMC 2016).

OPTION 3. OTHERS??