




TAB Q

UNITED STATES DEPARTMENT OF COMMERCE
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MEMORANDUM FOR: Thomas McIlwain
Chairman, Gulf of Mexico Fishery Management Council

FROM: Roy E. Crabtree, Ph.D. 
Regional Administrator

SUBJECT: January 2008 Regional Administrator's Report

After serving as the Assistant Administrator for Fisheries for seven years, with more than 13 years of Federal service, Dr. William T. Hogarth resigned effective December 31, 2007, to accept a position with the University of South Florida. Mr. John Oliver has been appointed Acting Assistant Administrator.

Permits Status

Active permits as of January 8, 2008:

- 1,824 moratorium Gulf shrimp permits (1,928 moratorium permits were issued)
- 1,346 for-hire coastal pelagic moratorium permits
(48 historical captain for-hire coastal pelagic moratorium permits)
- 1,495 commercial coastal migratory moratorium permits (includes South Atlantic)
- 1,309 for-hire reef fish moratorium permits
(48 historical captain for-hire reef fish moratorium permits)
- 912 commercial reef fish moratorium permits

Amendment Status

Vessel Monitoring System (VMS) - In part, Reef Fish Amendment 18A required the use of VMS aboard all vessels with a commercial reef fish permit. Initially scheduled for implementation in December 2006, the effective date was delayed until May 6, 2007. Vessel owners have a choice of three manufacturers to select a unit. Currently, 921 units have been purchased, 865 units have been installed, and 579 are actively reporting this month. Many units have been powered off through the power down exemptions on file due to power drains, drydock, or sales/transfers of vessels/permits. It is estimated that 197 vessel owners have yet to purchase VMS for compliance so it is estimated that VMS implementation compliance is at 82 percent. Based on comments and concerns expressed by the fishing community, NOAA Fisheries Service has published new rules allowing an expansion of the existing power-down exemption to include vessels "in port"



for more than 72 hours, and to reduce VMS transmissions for vessels “in port” to every 4 hours. This rule published on December 27, 2007, and is effective January 28, 2008.

Red Snapper/Shrimp Interim Rule - This temporary rule enacted interim measures for 2007 to address overfishing of red snapper while the Gulf of Mexico Fishery Management Council (Council) evaluated more permanent management measures to end overfishing and reduce red snapper bycatch in Amendment 14/27. Interim measures include reducing total allowable catch (TAC) to 6.5 million pounds (mp), reducing the red snapper recreational bag limit from 4 to 2 fish, maintaining the April 21 to October 31 recreational season and 16-inch total length (TL) minimum size limit, setting the for-hire captain and crew red snapper bag limit to zero, setting a 13-inch TL minimum size limit for the commercial fishery to reduce bycatch, and establishing a target reduction of shrimp trawl bycatch mortality on red snapper 50 percent less than the benchmark years of 2001-2003. The interim rule published on April 2, 2007; the size limit reduction for the commercial fishery was effective immediately; the remaining actions were effective May 2, 2007. The temporary rule was extended through March 28, 2008, to maintain harvesting restrictions pending approval and implementation of joint Reef Fish Amendment 27-Shrimp Amendment 14. As part of the interim rule extension, NOAA Fisheries Service established procedures to calculate and issue 2008 individual fishing quota (IFQ) allocations based on the 2.55 mp commercial quota approved in Amendment 27/14.

Vermilion Snapper Regulatory Amendment - The regulatory amendment is intended to relieve harvesting restrictions for vermilion snapper after a recent stock assessment indicated the stock was not overfished or undergoing overfishing. The management measures in the regulatory amendment include reducing the recreational and commercial minimum size limit from 11 to 10 inches TL; ending the April 22-May 31 commercial seasonal closure; and eliminating the 10 vermilion snapper bag limit restriction within the current 20-fish aggregate bag limit for those reef fish species without a species-specific bag limit. NOAA Fisheries Service published a final rule implementing these actions on January 3, 2008, effective February 4, 2008.

Red Snapper IFQ - NOAA Fisheries Service continues to monitor, develop, and refine the support infrastructure for the IFQ program. The Web portal used by fishermen and dealers has been updated, reporting requirements have been simplified, and new information has been provided to all shareholders regarding procedures to be followed to complete a landing and sales transaction. During December 2007, NOAA Fisheries Service prohibited any additional transfer of shares to be able to calculate and establish a share cap. At 7 p.m. on December 31, 2007, NOAA Fisheries Service closed the Web portal to all IFQ participants, zeroed out all remaining 2007 allocations (ca. 100,000 pounds), established the new 2008 allocations for all shareholders based on a 2.55 mp commercial quota, and adjusted those allocations based on any overages from 2007. The Web portal became active again at 5 a.m. on January 1, 2008.

Based on input from the fishery participants, NOAA Fisheries Service has taken two separate actions to relieve reporting requirements under the IFQ. As part of the VMS final rule described above, NOAA Fisheries Service has increased the means of communicating a three-hour notification of a landing. In addition to reporting via telephone, IFQ participants will now be able to report through their VMS unit or by completing an electronic form available on the Southeast Regional Office (SERO) IFQ Web site. As part of the vermilion final rule discussed

above, NOAA Fisheries Service has additionally made technical changes to the definition of “landing” and “offloading.” The regulations have been clarified so IFQ fishermen: 1) can land their vessels anytime during the day and night, provided that a landing notification has been given between 3 to 12 hours prior to landing; 2) can only offload red snapper from 6 a.m. and 6 p.m.; and 3) do not need to give a law enforcement an offloading notification for red snapper.

Shrimp Amendment 13 - The final rule for this amendment, effective October 26, 2006, established a moratorium on the issuance of commercial shrimp vessel permits. Moratorium permits were required in the Gulf shrimp fishery beginning March 26, 2007, and fishermen could apply for a moratorium permit until October 26, 2007. While some revisions may still occur to the database, as of January 8, 2008, 1,928 moratorium permits have been issued.

Shrimp Amendment 14-Reef Fish Amendment 27 - Amendment 27/14 includes actions to reduce the red snapper catch, bycatch, and discard mortality in the directed commercial and recreational fisheries and the shrimp fishery. The amendment reduces the TAC in the commercial and recreational red snapper fisheries to 5.0 mp (commercial quota of 2.55 mp and a recreational quota of 2.45 mp). To constrain the recreational harvest to its quota, the amendment establishes a restricted June 1-September 30 recreational fishing year, reduces the recreational bag limit from 4 to 2 fish, maintains the 16-inch TL recreational minimum size limit, and sets the bag limit for captain and crew of for-hire vessels to zero. To reduce discard mortality rates of red snapper for the directed fishery, the commercial minimum size limit is reduced from 15 to 13 inches TL, and venting tools, dehooking devices, and non-stainless steel circle hooks (when using natural baits) will be required for all reef fish fishery sectors. To reduce bycatch discard mortality in the shrimp fishery, the amendment establishes, as necessary, a seasonal shrimp fishery closure to coincide with the start date of the Texas Closure to meet a target of a 74 percent reduction in bycatch discard mortality. The actions are intended to revise the Council’s red snapper rebuilding plan with a goal of having at least a 50 percent probability of ending overfishing for red snapper between 2009 and 2010 and rebuilding the stock to the biomass associated with maximum sustainable yield by 2032. The amendment and proposed rule were transmitted to begin review by the Secretary of Commerce on July 20, 2007. A notice of availability of the joint amendment was published in the *Federal Register* on July 26, 2007, with a comment period that ended September 24, 2007. NOAA Fisheries Service partially approved Amendment 27/14 on October 19, 2007. A proposed rule was published on October 23, 2007, with a 45-day comment period ending December 7, 2007. A final rule to implement the approved actions in Amendment 27/14 is under review.

Regulatory Amendment to Adjust Bycatch Reduction Criterion - This regulatory amendment would modify the bycatch reduction certification criterion for the western Gulf to match the criterion of the eastern Gulf: a 30-percent reduction in finfish biomass. This change would result in a consistent certification criterion throughout the Gulf of Mexico and South Atlantic region. NOAA Fisheries Service is proposing to consolidate and make technical revisions to the testing manuals for the Gulf of Mexico and the South Atlantic region. In addition, the criterion change would allow additional bycatch reduction devices (BRDs) to be certified for use in the southeastern shrimp fishery. The proposed rule published in the *Federal Register* on October 12, 2007, with a comment period through November 12, 2007. A final rule to implement this action is under review.

Framework Action to Revise the List of Allowable BRDs - In accordance with the framework procedures established in the Shrimp Fishery Management Plan for the Gulf of Mexico, NOAA Fisheries Service is developing a proposed rule to revise the list of allowable BRDs for the Gulf of Mexico shrimp fishery. In summary, the allowable placement of fisheye-type BRDs would be restricted for use in the Gulf of Mexico, and the Expanded Mesh BRD would be decertified.

Reef Fish Amendment 30A

Amendment 30A proposes regulatory actions related to ending overfishing of greater amberjack and gray triggerfish. For greater amberjack, the amendment has actions to: 1) Modify the rebuilding plan; 2) develop accountability measures for the rebuilding plan; and 3) change the recreational and commercial harvest controls (i.e., size limits, bag limits, trip limits, or seasons). For gray triggerfish, the amendment proposes to: 1) Establish minimum stock size and fishing mortality thresholds and set optimum yield; 2) develop a rebuilding plan; 3) develop accountability measures for the rebuilding plan; 4) manage the fishery on a regional basis; and 5) change the recreational and commercial harvest controls. NOAA Fisheries Service is currently accepting public comment on the draft supplemental environmental impact statement (DSEIS) for Amendment 30A through January 28, 2008.

Reef Fish Amendment 30B

In 2007, NOAA Fisheries Service completed stock assessments for gag and red grouper, the two most abundant grouper species in the Gulf of Mexico. Gag were determined to be undergoing overfishing, but were not overfished. Red grouper were determined to be rebuilt and no longer undergoing overfishing. Amendment 30B proposes a 45 percent reduction in gag grouper harvest for both the commercial and recreational sectors, and an increase in the red grouper total allowable catch from 6.56 to 7.57 million pounds. The Council will review a public hearing draft of Amendment 30B at their January 28-31, 2008, meeting. NOAA Fisheries Services plans to file the DSEIS associated with Amendment 30B with the Environmental Protection Agency in February 2008. The DSEIS will have a 45-day public comment period.

Generic Aquaculture Amendment

The amendment would establish a regional permitting process for regulating and promoting environmentally-sound and economically-sustainable aquaculture in the Gulf of Mexico exclusive economic zone. The primary goal of the amendment is to increase maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico, consistent with the goals of the Magnuson-Stevens Fishery Conservation and Management Act, by supplementing the harvest of wild caught species with cultured product. Proposed management actions in the amendment include: Establishing an operating permit for offshore aquaculture facilities; extensive permitting, reporting, recordkeeping, and siting requirements; restrictions on species allowed for aquaculture; and case-by-case review and approval of allowable aquaculture systems, such as cages and net pens. SERO staff continue to work with Council staff to address issues identified by Southeast General Counsel.