



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701

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NOAA SEEKING PUBLIC COMMENT ON A SHALLOW-WATER GROUPER AMENDMENT SUBMITTED BY THE GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

NOAA's National Marine Fisheries Service (NOAA Fisheries Service) is seeking public comment on Amendment 30B to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 30B to NOAA Fisheries Service for review, approval, and implementation. The Notice of Availability for public comment on this amendment was published in the *Federal Register* on October 28, 2008.

Purpose of the Amendment 30B

The purpose of Amendment 30B is to end overfishing of gag, revise red grouper management measures as a result of changes in the stock condition, establish annual catch limits (ACLs) and accountability measures (AMs) for gag and red grouper, manage the shallow-water grouper (SWG) fishery to achieve optimum yield, and improve the effectiveness of federal management measures.

Proposed Management Measures

Amendment 30B proposes to:

- Establish gag status determination criteria.
- Establish a commercial quota and recreational target catch level for gag.
- Allow each recreational fisherman, except for-hire captain and crew, to retain four grouper per day, two of which could be gag and two of which could be red grouper.
- Extend the recreational seasonal closure from February 1 through March 31 each year. The recreational harvest of all shallow-water groupers would be prohibited during the closure.
- Establish the Edges 40-fathom contour seasonal-area closure (390 nm²). This area will be closed to all fishing for Council-managed species from January 1 through April 30 each year and is intended to protect gag and other groupers during their respective spawning seasons.
- Eliminate the commercial seasonal closure from February 15 to March 15 each year.

- Reduce the commercial minimum size for red grouper from 20- to 18-inches total length to reduce bycatch.
- Increase compliance with federal regulations by requiring a person aboard a federally permitted Gulf of Mexico commercial or for-hire reef fish vessel to comply with federal regulations for these species regardless of where the fish are harvested.
- Specify an interim commercial/recreational allocation of gag and red grouper based on the average landings of each sector from 1986 through 2005.
- Use trip limits to delay the commercial sector from reaching its quota once a discard allowance trigger is met.
- Eliminate the end date for the Madison-Swanson and Steamboat Lumps marine reserves.
- Establish ACLs and AMs for the commercial and recreational SWG fisheries.

Accountability Measures and Annual Catch Limits

Amendment 30B addresses requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that ACLs and AMs be in place for stocks undergoing overfishing by 2010. The ACL must be set "at a level such that overfishing does not occur in the fishery." AMs are management measures established with ACLs to end and prevent overfishing.

Proposed AMs for gag and red grouper give the NOAA Fisheries Service Assistant Administrator (AA) the authority to shorten the fishing season for a particular sector if that sector's landings go over the ACLs. The recreational AM would provide the AA the authority to shorten the fishing year in the following year if the ACL is exceeded, while the commercial AM would give the AA the authority to shorten the fishing season within the fishing year and in the following year if the commercial ACL is exceeded. Recreational ACLs would be defined as multi-year running average landings, with exception of the first year which would use only 2009 landings.

Dates and Addresses

Written comments must be received no later than 5 p.m., Eastern time, on December 29, 2008. You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. To submit comments enter "NOAA-NMFS-2008-0203" in the keyword search and then select for the notice of availability "send a comment or submission." Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- Mail: Peter Hood, Southeast Regional Office, NOAA Fisheries Service, 263 13th Avenue South, St. Petersburg, Florida 33701.
- Fax: 727-824-5308, Attention: Peter Hood.

Amendment 30B, which includes a Supplemental Environmental Impact Statement, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis, is available in electronic format from the Council's Web site at <http://www.gulfcouncil.org>, or by contacting the Council at 2203 North Lois Avenue, Suite 1100, Tampa, Florida, 33607; phone: 813-348-1630; fax: 813-348-1711; e-mail: gulfcouncil@gulfcouncil.org.

Please Note: A proposed rule that would implement measures outlined in Amendment 30B has also been received from the Council. In accordance with the Magnuson-Stevens Act, NOAA Fisheries Service is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NOAA Fisheries Service will publish the proposed rule in the *Federal Register* for public review and comment. NOAA Fisheries Service will also announce this request for comment through the release of another Southeast Fishery Bulletin.

Comments received by December 29, 2008, whether specifically directed to the amendment or the proposed rule, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

How Can We Improve These Fishery Bulletins?

If you have any suggestions on how we may improve the contents of future fishery bulletins, please contact:
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