



Southeast Fishery Bulletin

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

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NOAA ANNOUNCES NEW REGULATIONS FOR GULF OF MEXICO GROUPER EFFECTIVE MAY 18, 2009 *Small Entity Compliance Guide*

NOAA Fisheries Service published a final rule implementing new regulations to end overfishing of gag and revise shallow-water grouper (SWG) management measures. The final rule published in the *Federal Register* on April 16, 2009, and becomes effective **May 18, 2009**.

These measures are outlined in Amendment 30B to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico submitted by the Gulf of Mexico Fishery Management Council (Council).

Elements of the Rule

For the recreational fishery, the rule:

- Establishes annual catch limits (ACLs) and accountability measures (AMs) for gag and red grouper.
- Reduces the gag bag limit to two fish per person per day and the aggregate grouper bag limit to four fish per person per day.
- Increases the red grouper bag limit to two fish per person per day.
- Extends the closed season for recreational shallow-water grouper to February 1 through March 31.

For the commercial fishery, the rule:

- Establishes ACLs and AMs for gag, red grouper, and SWG.
- Establishes a commercial quota for gag of 1.32 million pounds (mp) in 2009, 1.41 mp in 2010, and 1.49 mp in 2011.
- Increases the commercial quota for red grouper to 5.75 mp.
- Sets the SWG quota as the sum of the gag and red grouper quotas with an additional 0.41 mp allowance for other SWG species.
- Establishes an incidental bycatch allowance trip limit for commercial gag and red grouper of 200 pounds for the species that first reaches 80 percent of its quota.

- Reduces the commercial minimum size limit for red grouper from 20 inches to 18 inches total length to reduce bycatch.
- Ends the February 15 to March 15 season closure in favor of a four month closure of “The Edges” that applies to both commercial and recreational fishing. (see note below).

In addition, the rule:

- Eliminates the end date for the Madison-Swanson and Steamboat Lumps marine reserves.
- Requires a person aboard a federally-permitted Gulf of Mexico commercial or for-hire reef fish vessel to comply with federal regulations for reef fish species regardless of where the fish are harvested to increase compliance with federal regulations.

The Edges Note

Because the proposed rule for Amendment 30B contained an error relative to the “The Edges” seasonal-area closure, that measure was removed from the final rule. “The Edges” seasonal-area closure from January 1 through April 30, which applies to commercial and recreational fishing, is contained in a separate proposed rule that will publish in the *Federal Register* on April 17, 2009 with a 15-day comment period.

Accountability Measures and Annual Catch Limits

The rule addresses requirements of the Magnuson-Stevens Fishery Conservation and Management 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.

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 ACL. 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.

This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. This bulletin provides only a summary of the information about the rule. Discrepancies between this bulletin and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

Copies of the final rule are available by contacting NOAA Fisheries Service’s Southeast Regional Office at

263 13th Avenue South, St. Petersburg, Florida 33701. The final rule can be obtained in electronic form from the *Federal Register* Web site: <http://www.gpoaccess.gov/fr/index.html> (use advanced search for final rules using “AV80” as a keyword).

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: Kim Amendola, Communication Specialist
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If you would like to receive these fishery bulletins via e-mail as soon as they are published, please e-mail us at SERO.Communications.Comments@noaa.gov. You will still receive a print copy of these bulletins through the mail.

Gulf of Mexico Grouper	Current Regulations	New Regulations (as of 5/18/2009)
<i>Recreational measures</i>		
Grouper Aggregate Bag Limit	5 grouper/person/day	4 grouper/person/day
Gag Bag Limit	2 fish/person/day within 5-fish grouper aggregate	2 fish/person/day within 4-fish grouper aggregate
Red Grouper Bag Limit	1 fish/person/day within 5-fish grouper aggregate	2 fish/person/day within 4-fish grouper aggregate
Recreational Fishing Season	Red grouper and black grouper closed 2/15–3/14 Gag closed 2/1–3/31	All shallow water grouper (gag, red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp) closed 2/1–3/31
<i>Commercial measures</i>		
Red Grouper Minimum Size Limit	20 inches total length	18 inches total length
Gag Quota	1.32 mp (GW)*	1.32 mp (GW)
Red Grouper Quota	5.31 mp (GW)	5.75 mp (GW)
Shallow-Water Grouper Quota	7.48 mp (GW)	7.48 mp (GW)
Commercial Fishing Season	Gag, red grouper and black grouper closed 2/15–3/14	No closed season

*GW – gutted weight; mp – million pounds

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