



Southeast Fishery Bulletin

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

FOR INFORMATION CONTACT:

Peter Hood or Peter.Hood@noaa.gov
727-824-5305, FAX 727-824-5308

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FB10-090

NOAA Seeks Comments on Proposed Temporary Rule to Reduce Harvest of Gag in the Gulf of Mexico

NOAA Fisheries Service is seeking public comment on a proposed rule that would decrease the commercial quota of gag, suspend the use of red grouper multi-use individual fishing quota (IFQ) commercial allocation, and temporarily set the gag bag limit to zero. The proposed temporary rule publishes in the *Federal Register* on October 18, 2010, with the comment period ending November 2, 2010.

Gag is considered overfished (population abundance is too low) and undergoing overfishing (rate of removal too high). The Magnuson-Stevens Fishery Conservation and Management Act requires that overfished stocks be rebuilt and that overfishing be halted. The Gulf of Mexico Fishery Management Council (Council) requested NOAA Fisheries Service implement this temporary rule to address overfishing while they developed a long-term plan through Amendment 32 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

Commercial management measures

The proposed rule would **establish a quota of 100,000 pounds**. The 2009 population assessment update for gag indicated the commercial quota should be reduced from 1.49 million pounds to 390,000 pounds. However, because of some recently discovered issues regarding the way the assessment model estimated dead discards (fish that die after they are released), the Council has asked NOAA Fisheries Service to re-examine the results of the assessment. Until those results are known, the Council wanted to be conservative in its actions to harvest gag. The Council did not set the quota to zero because the commercial fleet generally harvests fish in deeper waters where the fish are likely to die from barotrauma. Therefore, the Council asked for this minimal 100,000-pound quota to allow such incidentally caught gag to be landed and counted against the quota instead of being discarded.

The rule would also **suspend the use of red grouper IFQ multi-use allocation**, which is used to harvest gag. Currently, 4 percent of an IFQ participant's red grouper allocation is converted to multi-use allocation. If the multi-use allocation is used to harvest gag, these additional gag landings would allow the harvest to exceed the reduced gag quota. Note that this part of the rule would not reduce an IFQ participant's red grouper allocation. The rule would simply not allow 4 percent of the total allocation to be converted to multi-use allocation.

Recreational management measures

For the recreational sector, the rule would **temporarily set the bag limit for gag at zero**, effectively setting the harvest to zero. It was the intent of the Council, when requesting this temporary rule, that there should be a recreational harvest of gag in 2011; however, this season, will be developed in Amendment 32. If the Council allowed the recreational sector to fish for gag at the beginning of the 2011 fishing year, the recreational season later in the year would have to be shortened. The Council favored a summer fishing season for gag because it maximized the season length and so requested the temporary closure to delay the beginning of the season.

Request for Comments

Written comments on any portion of the proposed rule may be submitted once the rule publishes on October 18, 2010, but must be received no later than November 2, 2010, to be considered by NOAA Fisheries Service. See the Addresses section for information on where and how to submit comments. All comments received by NOAA Fisheries Service will be addressed in the final rule.

Addresses

Once the rule publishes on October 18, 2010, electronic copies of the proposed rule or the environmental assessment may be obtained from the e-Rulemaking

Portal at <http://www.regulations.gov> or from NOAA Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

You may submit comments by either of the following methods:

- **Electronic Submissions:** Federal e-Rulemaking Portal: <http://www.regulations.gov>. Enter the following docket number into the "Search" box: **NOAA-NMFS-2010-0168**. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. Comments will be posted for public viewing after the comment period has closed. 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. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

- **Mail:** Peter Hood
NOAA Fisheries Service
Southeast Regional Office
Sustainable Fisheries Division
263 13th Avenue South
St. Petersburg, Florida 33701-5505

Comments received through means not specified in this bulletin will not be considered.

This bulletin provides only a summary of the information pertinent to the rule. Any discrepancies between this bulletin and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

Need more information on these topics?

Frequently Asked Questions:

Gag and Red Grouper Management Measures for Gulf of Mexico Federal Waters

<http://sero.nmfs.noaa.gov/sf/GrouperSnapperandReefFishes.htm>

at the Southeast Regional Office's Web page:
<http://sero.nmfs.noaa.gov>.

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