



# Southeast Fishery Bulletin

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## Temporary Regulations to Reset the 2011 Gulf of Mexico Commercial Gag Quota and Set a Recreational Gag Fishing Season Small Entity Compliance Guide

NOAA Fisheries Service announces a temporary rule to reset the commercial quota of gag at 430,000 pounds, continue the suspension of the use of red grouper multi-use individual fishing quota (IFQ) commercial allocation, and set a gag recreational season from September 16 through November 15. The final rule will be effective June 1, 2011.

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 revise 2011 commercial and recreational measures in light of the rerun of the gag update stock assessment. The Council is developing a long-term plan address gag stock rebuilding through Amendment 32 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

### Commercial management measures

The rule **increases the 2011 quota from 100,000 pounds to 430,000 pounds**. The rerun of the 2009 population assessment update for gag indicated the commercial quota should be reduced from 1.49 million pounds to 500,000 pounds. However, setting the quota at this level assumes equal reductions in both landings and dead discards (fish that die after they are released). Testimony from industry indicated that although gag can be avoided when targeting the capture of other species, gag cannot be completely excluded from the catch and there will be some gag bycatch and associated dead discards. Therefore, the Council recommended the quota be set at 430,000 pounds to account for discards.

The rule also **continues the suspension of the use of red grouper IFQ multi-use allocation**, which could be used to harvest gag. If the suspension is not in place, four 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 likely allow the harvest to exceed the gag quota. Note that this part of the rule will not reduce an IFQ participant's red grouper allocation. The rule will simply not allow four percent of the total allocation to be converted to multi-use allocation.

### Recreational management measures

For the recreational sector, the rule establishes a **2011 recreational season from September 16 through November 15**. The current bag limit of two gag within the four fish aggregate grouper bag limit and the minimum size of 22-inches total length will be in effect during the fishing season. In recommending the season, the Council examined several options for the fishing season including summer, fall, and winter openings. They recommended a fall season as a compromise between public testimony for summer and winter seasons. In addition, a fall season maximizes the season length.

### Other information

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 or by downloading it off the Southeast Regional Office's Web site for reef fish at

<http://sero.nmfs.noaa.gov/sf/GrouperSnapperandReefFish.htm> once it has published.

### Need more information on these topics?

Southeast Regional Office's Web page:

<http://sero.nmfs.noaa.gov>.