

APPENDIX C-1 COMMENTS ON THE DEIS FROM EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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2011 JUL 25 PM 12:26

July 21, 2011

Dr. Roy E. Crabtree
 Regional Administrator
 Southeast Regional Office
 National Oceanic and Atmospheric Administration
 263 13th Avenue South
 St. Petersburg, Florida 33701

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Subject: EPA NEPA Review Comments on NOAA's DEIS for "Reef Fish Amendment 32, Gag - Rebuilding Plan, Annual Catch Limits, Management Measures, Red Grouper - Annual Catch Limits, Management Measures, Grouper Accountability Measures, Gulf of Mexico"; CEQ #20110177

Dear Dr. Crabtree:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject National Oceanic and Atmospheric Administration (NOAA) Draft Environmental Impact Statement (DEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. EPA understands that the purpose and need for Amendment 32 is to address the overfishing of gag and develop a stock rebuilding plan in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to modify the red grouper catch limits in response to the improved status of the stock.

It is our understanding that NOAA proposes 7 actions within the DEIS which include: 1) rebuilding plan for the gag stock; 2) establishing or modifying recreational bag limits, size limits, and closed seasons for gag and red grouper; 3) applying commercial gag quota adjustments to account for dead discards; 4) adjusting multi-use individual fishing quota shares (allocation); 5) changing the commercial gag size limit; 6) establishing time and area closures; 7) and modifying current gag, red grouper, and shallow-water grouper accountability measures.

EPA has a responsibility to review and comment on major Federal actions significantly affecting the quality of the human environment, including Fishery Management Plans (FMPs) and FMP Amendments (Amendments) as developed, approved, and implemented under the MSA where those Plans and Amendments are subject to the EIS requirement of NEPA, but it should be clear that we defer to NOAA and the Councils as to the development of fishery statistics and the relative importance of the commercial and recreational fisheries for each species.

EPA appreciates that several alternatives for proposed actions were presented and that preferred alternatives were identified in the DEIS. Based on our review, we offer the

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following comments for the preferred alternatives for the 7 actions covered within the DEIS.

Actions and Alternatives:

Action -- 1: Rebuilding Plan for Gag

Under the preferred alternative for Action 1 the Council proposes to establish a rebuilding plan for the gag that will rebuild the stock to a level consistent with producing maximum sustainable yield in 10 years or less. EPA notes that as required by the MSA, the Council must implement a fishery management plan that aims to rebuild overfished stocks to healthy, sustainable levels within 10 years. As we have suggested in previous NEPA comment letters, EPA supports an increased rate recovery for the overfished fishery resource. However, if these actions substantively impact societal issues (particularly if minority or low-income fishers (i.e., environmental justice populations) are disproportionately affected), this should be considered in the decision-making process. EPA is pleased that the Council will be implementing management strategies that could rebuild the stock within 7 years, which would allow for additional time to achieve the management target date of 10 years.¹

Action 2: Recreational Bag Limits, Size Limits, and Closed Seasons for Gag/Red Grouper

Under the preferred alternative for Action 2.1 the Council proposes a longer open season (June 1 - October 31) and sets a 22-30 inch slot size limit, 2 fish gag bag limit, and 4 fish aggregate bag limit. Under the preferred alternative for Action 2.2 the Council proposes an increase in the red grouper bag limit to 4 fish per person and proposes adaptive management tools that will allow for reductions in the bag limit if the annual catch limit is exceeded. We defer to NOAA and the Council when setting recreational bag limits, size limits, and closed seasons for the Gag/Red Grouper.

Action 3: Commercial Gag and Shallow-water Grouper Quota Adjustments to Account for Dead Discards

Under the preferred alternative for Action 3 the Council proposes to reduce the gag commercial quota to 86% of the ACT to compensate for dead discards not being reduced to projected levels needed to achieve 100% of the ACT. EPA appreciates NOAA and the Council's efforts to adjust quotas to address the issue of dead discards. While EPA supports this effort, we do recommend that the Council provide additional information and justification in section 2.3 of the FEIS for using 86% of the ACT to account for dead discards.

Action 4: Adjustments to Multi-use IFQ Shares

Under the preferred alternative for Action 4 the Council proposes to set the percentage of red grouper IFQ allocation converted into multi-use allocation equal to zero. Once NOAA Fisheries declares the gag rebuilt, set the percentage of red grouper IFQ allocation converted into multi-use allocation as follows:

¹ p. 23

Red Grouper Multi-use (in percent) = 100*[Gag ACL – Gag Allocation]/Red Grouper Allocation

The red grouper multi-use percentage will be recalculated following adjustments in commercial gag ACL, gag allocation, or red grouper allocation. Although we defer to NOAA and the Council when setting adjustments to the multi-use IFQ shares, we do request that the FEIS better define the “buffer” as described in the following statement in the DEIS.

After the gag stock is fully rebuilt, the percentage of red grouper allocation converted into red grouper multi-use allocation valid to harvest red or gag grouper would be determined based on the buffer existing between the gag annual catch limit and individual fishing quota allocation and on the magnitude of the red grouper annual catch limit.²

In addition, as we have stated in past comment letters, we find it somewhat unclear how multiuse IFQ shares would benefit the fishery since allocations can be used for more than one species. We recommend that additional information and clarification be provided in the FEIS regarding how multiuse IFQ shares benefit the gag and red grouper fisheries.

Action 5: Commercial Gag Size Limit

Under the preferred alternative for Action 5 the Council proposes to reduce the commercial gag minimum size limit to 22 inches total length. EPA notes that Table 2.5.1 indicates a dramatic increase in gag dead discards from 1990 – 2008. It is suggested in the DEIS that an increase in the commercial minimum size limit from 20 inches to 24 inches lead to significant increases in dead discards. It would seem plausible that increasing fishing effort and efficiency has occurred over this same period. We would recommend that the FEIS include additional discussion of the causes of the significant increases in dead discards seen in Table 2.5.1 over the past 18 years. EPA also notes that the commercial minimum size limit proposed by the Council would match the current recreational minimum size limit, and we concur that this would provide for a more uniform enforceable size limit across both sectors.

Action 6: Time and Area Closures

More than one alternative and option can be selected as preferred alternative for Action 6. Based on information provided in the DEIS discard mortality increases with increase depths³ (i.e. the deeper the fish is caught the less likely it will survive release). EPA agrees with the Council that focusing closure areas on deeper waters should reduce bycatch mortality of gag. Although we defer to NOAA and the Council when setting the time and area closures for the gag, we do suggest that the same level of information regarding the benefits of the area closures be provided for the proposed seasonal closures in the FEIS.

² p. 35-36

³ p. 47

Action 7: Gag, Red Grouper, and Shallow-water Grouper Accountability Measures

Under the preferred alternative for Action 7.1, the Council proposes accountability measures for the gag, red grouper and shallow-water grouper commercial sector that will be the current individual fishing quota program. Under the preferred alternative for Action 7.2, the Council proposes to add an overage adjustment to be applied when gag or red grouper are considered overfished and in-season accountability measures to close a season early if needed to the existing gag and red grouper accountability measures. We defer to NOAA and the Council when setting gag, red grouper, and shallow-water grouper accountability measures.

General Comments:

Environmental Justice

Although proposed FMPs/Amendments are implemented for the sake of recovering the fishery, they can have societal effect on fishers. These affects can be equally or unequally distributed among fishers. Section 3.3.3 states that:

although some communities expected to be affected by this proposed rule may reside in counties that have minority or economic profiles that exceed the EJ thresholds and, therefore, constitute areas of concern, no EJ issues have been identified or are expected to arise⁴

It appears that no EJ issues have been identified by the Council based on the following information:

- Estimated State Demographics:
 - Minority (non-whites including Hispanics) – 38.7%
 - Below Poverty Line – 12.6%
- EJ Threshold of 1.2 the State Average Demographics:
 - Minority Threshold – 46.4%
 - Poverty Line Threshold – 15.1%

The EJ analysis estimates that Pinellas County does not meet the minority or poverty line thresholds. While this may be true, EPA is concerned that Pinellas County may not be the best representation of the actual impacted community, primarily the fishers in this case. In addition, we are concerned that no other Counties along the west coast of Florida are included in this analysis. It is further stated in the DEIS that “Additional communities beyond those profiled above would be expected to be affected by the actions in this proposed rule”⁵ yet no additional analysis is included for these other communities. EPA recommends that the FEIS include a more detailed EJ analysis which includes all the potential impacted communities.

⁴ p. 69

⁵ p. 71

Public Participation – It is important to incorporate and discuss public participation activities related to EJ and the proposed action. There is no discussion of the public participation process related to EJ communities in the DEIS. In addition, it is not clear that representatives of EJ communities were involved or that any issues they have were identified. EPA recommends more EJ specific outreach efforts for these public participation opportunities in the future.

Color Figures and Tables in DEIS

EPA found figures and tables in the DEIS copies delivered to the Region very difficult to review. Several figures and tables required color copies to interpret. EPA was able to download a pdf version off the Council's website for review. For future documents, please provide color copies of maps and figures that require color to interpret.

EPA DEIS Rating:

Although some clarification comments were offered for this DEIS, EPA generally supports NOAA and the Councils on Amendment 32 and gives deference to their fishery expertise. Therefore, EPA rates this DEIS as "LO" (Lack of Objections). Nevertheless, we request that NOAA and the Councils directly respond to our comments in a dedicated section of the FEIS.

EPA appreciates the opportunity to review the DEIS. Should NOAA have questions regarding our comments on the Amendment actions, please feel free to contact Dan Holliman at 404/562-9531 or holliman.daniel@epa.gov and for EJ comments please contact Ntale Kajumba at 404/562-9620 or kajumba.ntale@epa.gov of my staff.

Sincerely,



Heinz J. Mueller
Chief, NEPA Program Office
Office of Policy and Management

APPENDIC C-2 NMFS RESPONSE TO COMMENTS FROM THE ENVIRONMENTAL PROTECTION AGENCY

Overall, the EPA was supportive of the Council's proposed actions intended to rebuild the gag stock and manage the harvest of shallow-water grouper. They deferred to the Council's and NMFS's expertise in managing fishery resources and rated this DEIS as an "LO" (Lack of Objections). This means the DEIS adequately sets forth the environmental impacts of the alternatives and no further analysis or data collection is necessary. However, an EPA reviewer may suggest the addition of clarifying language or information in the final environmental impact statement (FEIS). Two general comments from the EPA were the Environmental Justice analysis be conducted on communities potentially impacted by the actions in this amendment and that additional discussion of the public participation process be included, particularly in the participation by Environment Justice communities.

Response: The Environmental Justice Considerations section has been updated to include a more detailed environmental justice analysis which includes all the potential impacted communities, as requested. The analysis includes all counties along the west coast of Florida which (a) have a strong relationship to the gag or red grouper fishery, and (b) present a potential concern for environmental justice issues by exceeding the thresholds for poverty and minority rates. The analysis uses county-level census data as we do not have data refined to the individual or vessel level within communities to be able to analyze such impacts at this time.

In response to the comment concerning public participation, the same problem arises: without available data on the race and income status for groups at the different participation levels (vessel owners, crew, dealers, processors, employees, employees of associated support industries, etc.), it is not possible at this time to identify those who should be targeted for environmental justice outreach. Unlike commercial fisheries including spiny lobster and shrimp in which environmental justice minority populations are known to participate substantially, the presence of minority or poverty populations within the grouper fishery is unknown. We recognize that minorities and those below the poverty line do suffer more negative impacts from social disruption, however at this time we can only attempt to identify where vulnerable populations may be and hope that through public comment any specific issues that may be related to that vulnerability will be identified. As socio-cultural data improvement continues, it will hopefully become possible to better identify environmental justice populations in the grouper fishery and to direct efforts toward these groups for public participation opportunities in the future.

EPA comments specific to Amendment 32 actions are described below and will be addressed in the FEIS.

Action 1: Although the EPA supports rebuilding gag, the agency would like the societal impacts (particularly environmental justice populations) to be considered in the decision-making process.

Response: As mentioned above, without available data on the race and income status for groups at the different participation levels, it is not possible at this time to identify those who should be targeted for environmental justice outreach.

Action 2: The EPA deferred to the Council and NMFS when setting recreational bag limits, size limits, and closed seasons for gag and red grouper.

Action 3: The EPA deferred to the Council and NMFS on this action setting the gag quota, but requested there should be more detail provided in how the downward 14 percent adjustment was arrived at.

Response: Additional information in how the 14 percent downward adjustment of the gag commercial quota is provided in Section 2.3. In summary, this adjustment represents an intermediate adjustment between the best and worst case scenarios. The chosen percentage represents approximately the 75th percentile for the adjustment range.

Action 4: The EPA deferred to the Council and NMFS on this action, but requested that the FEIS better define “buffer” and better explain how multi-use shares benefits the commercial sector.

Response: In Section 2.4, the term ‘buffer’ was deleted from the discussion. The discussion now indicates that the amount of multi-use allocation is based on the difference between the annual catch limit and the annual catch target (which is equivalent to the individual fishing quota allocation). Granting multi-use allocation when the annual catch limit and the individual fishing quota allocation (annual catch target) are equal would lead to harvest exceeding the annual catch limit. With respect to how multi-use shares benefit the commercial sector, the discussion notes that multi-species individual fishing quota program participants benefit from the creation of catch quota balancing measures such as the multi-use allocations which help participants respond to temporal fluctuations (e.g., recruitment pulses) and geographical variations (e.g., different areas of the Gulf) in gag and red grouper abundance.

Action 5: The EPA requested more discussion of the trends in Table 2.5.1 in the FEIS. In addition, the EPA concurred that having equal commercial and recreational minimum size limits would assist the enforceability of the regulations.

Response: The primary purpose of this table is to show the effects of regulations on increasing the number of discards. As shown, there is a large increase in discards in 2000 due to the size limit increase and a smaller increase in 2005 when a trip limit was implemented. The initial commercial minimum size limit went into effect in 1990, the first year of Table 2.5.1. The reason for this is the stock assessment that generated these values concluded that commercial discards are exclusively due to minimum size regulations. Because of this, changes in effort and efficiency are less relevant to this discussion and so were not included.

Action 6: Although the EPA defers to the Council and NMFS on setting time-area closures, they requested the same level of information on the benefits of closed areas be provided for the proposed season closures in the FEIS.

Response: Additional text has been added to Section 5.6 that explains further elaborates on the effects of the closed seasons.

Action 7: The EPA deferred to the Council and NMFS when setting gag, red grouper and shallow-water grouper accountability measures.

APPENDIX C-3 RESPONSE TO COMMENTS FROM THE PUBLIC ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The National Marine Fisheries Service (NMFS) received a total of 12 comments from individuals and organizations in addition to the EPA during the 45-day comment period on the Draft Environmental Impact Statement (DEIS). Ten comments were from individuals and two comment letters were received from non-governmental organizations (NGOs). Comments from the NGOs were generally supportive of the DEIS, but had comments specific to some of the actions. Most comments from individuals were negative toward the DEIS in general or to specific actions in the DEIS.

Many of the public comments were non-specific to actions in the amendment. Some respondents pointed out that gag in the area they fished appeared to be very abundant. They suggested regional gag management might be more appropriate where conservative measures are applied to areas of low gag abundance and more liberal measures be applied to areas of higher gag abundance. One respondent indicated that the abundance of gag in the area he fished was low and felt this low abundance was not due to overfishing, but due to other factors such as reduced levels of prey species and red snapper taking over the gag niche. Another questioned whether management measures were needed at all. Two respondents suggested management measures on other fisheries or sectors needed to be further regulated to reduce gag mortality. These included the shrimp (both inshore and offshore) fishery and the reef fish longline sector.

In the list below, some of the comments have been summarized due to length of the original submitted comments. All of the original comments on the draft environmental impact statement can be viewed via the Federal e-Rulemaking Portal at <http://www.regulations.gov>. To view posted comments, enter "NOAA-NMFS-2011-0135" in the keyword search and click on "search."

Response to general comments: With respect to regional management, the Council has considered regional management for other species including red snapper and gray triggerfish; however, the scale of regional management was on a gross scale and evaluated different management measures between the eastern and western Gulf of Mexico (Gulf). Because gag are found primarily in the eastern Gulf, regional management would be on a much finer scale, likely regions within Florida. Because many data used in assessments looks at broader areas (e.g., the state level), it would be difficult to implement sub-state regulations. In addition, this type of management would be difficult to enforce because of the range of locations people land fish when fishing in federal waters. For example, the Middle Grounds Habitat Area of Particular Concern can be accessed by fishermen from the Tampa Bay area to the Florida Panhandle.

In response to the comment that low gag abundances were due to environmental factors such as prey abundance or competition from other reef fish species, it is beyond the scope of this DEIS to examine these factors. The stock assessment the alternatives are based on was for gag and did not factor in other species. The assessment did take into account a reduction in the stock biomass that was the result of some natural episodic mortality event in 2005. Because of a large-scale red tide event also occurred during this year, biologists speculated the two events may be related. The Council is looking at ecosystem management for Gulf stocks and modeling exercises are ongoing to look at a variety of multispecies interactions. However, these efforts are ongoing and it will take time until these models can be applied to manage reef fish stocks.

For fisheries outside of those covered in the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, action would need to be taken under a different fishery management plan and so is outside of the scope of Amendment 32. The Council may wish to evaluate the shrimp fishery relative to

gag; however, this action would need to be taken in the shrimp fishery management plan. With respect to fishing for reef fish with longlines, regulations from Amendment 31 were implemented in May 2010. These regulations required a longline endorsement that reduced the number of longline vessels in the Gulf. In addition, it limited the number of hooks that could be used on these vessels and placed restrictions on where they could fish. At this time, it is unknown what the effects of these measures are on the gag stock because the last year of landings used in the stock assessment was 2008. Future stock assessments may be able to determine if these measures have been beneficial for gag.

The following are comments specific to actions in Amendment 32

Action 1. Rebuilding plan for gag

Several comments from the public questioned the need for a rebuilding plan. They questioned the science behind the stock assessment and that their personal observations water where gag are more abundant than in past years. Both NGOs supported a rebuilding plan as long as it has a good probability of success. One NGO supported a 7-year rebuilding plan (Alternative 3) over the preferred 10-year rebuilding plan (Alternative 2) because of the greater certainty the stock will rebuild and that this timeframe is consistent with the proposed management measures designed to harvest the annual catch target.

Response: As mentioned in the purpose and need in Amendment 32, the Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing, and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. In addition, the Magnuson-Stevens Act requires fishery managers to specify through rebuilding plans their strategy for rebuilding overfished stocks to a sustainable level within a certain time frame. The most recent stock assessment of gag indicated the stock was overfished and undergoing overfishing. Therefore, a rebuilding plan for gag is required. With regards to the length of the rebuilding plan, 10 years is the longest time period allowed under the Magnuson-Stevens Act unless circumstances allow a longer time frame. In this case, these circumstances do not apply. As mentioned in Section 2.1, the harvest levels set by the Council in Actions 2 and 3 should rebuild the stock within 7 years. However, due to uncertainties regarding the plan, the Council chose a 10-year plan to provide a buffer should rebuilding not occur as anticipated.

Action 2. Recreational bag limits, size limits, and closed seasons

Action 2.1. Gag bag limit, size limit, and closed season scenarios

Several comments were received on this action. One respondent was very concerned about the effect on the economic health of their community if no winter fishing was allowed and recommended Alternative 3 (January and April season) be selected. Another respondent thought the minimum size limit for gag should be increased to 26 inches as a way to increase the spawning potential of the stock. Both NGOs questioned the assumptions used by the Council in the decision model to determine recreational alternatives. They were concerned the 1.5 effort shift may be too low and that the Council should evaluate using a higher level. Additionally, one felt the levels of harvest reduction were too low to ensure the stock rebuilds and suggested management measures be based on a level closer to a 61 percent reduction in removals.

Response: As described in Section 2.2.1, the season selected by the Council is nearly twice as long as the other alternatives being considered. Based on public testimony, this is what most participants in the recreational sector preferred. The economic losses as described in Section 5.2.3 indicate that this

alternative performs similarly to the January and April season alternative which had slightly lower economic losses. After hearing public testimony to increase the minimum size limit of for gag, the Council determined this alternative was not practical because of concerns about increased discards, and subsequently increased discard mortality. As far as what level of effort shift to select, as described in Section 2.2.1, the Council determined some effort shifting is likely to occur, but doubling of the effort shift seemed too high of an assumption. If the Council is not correct with this assumption, in-season accountability measures and overage adjustments (Action 7.2) would provide additional protections for the stock.

As discussed in Section 2.1, needed reductions in the number of removals was estimated to fall between two baseline periods—2006-08 when landings are higher (greater reduction needed) and 2009 when landings were lower (lower reduction needed). The closer the reductions are to those under the 2006-08 timeframe which requires a 61% reduction to meet the annual catch target, the more conservative a measure is for the stock, but the more adverse to the recreational sector. In evaluating the alternatives, the Council selected a strategy within the range provided by the baselines that balanced the ability for the stock to recover while minimizing adverse effects on the recreational sector.

Action 2.2. Red grouper bag limit

One NGO indicated that they were supportive of the adaptive management process in this action. However, they were concerned that change from two fish to four fish may be too much of an increase and lead to the recreational annual catch limit being exceeded. They recommended Alternative 2 (increase the bag limit to three fish) be selected and revised to include an increase to four fish in the future if this bag limit could be supported.

Response: Red grouper is neither overfished nor undergoing overfishing. The recreational sector has not caught its allocation of red grouper in recent years, and with an increase in allocation in 2011 or 2012 it is unlikely to catch its limits. Therefore, a relaxation of the recreational red grouper regulations is warranted to allow the sector to catch more of its allocation. As discussed in Section 2.2.2, the bag limit analyses done in Amendment 30B suggests an increase from a 2-fish to a 4-fish bag limit could increase harvest by 13.2%. This is less than a proposed increase in the red grouper total allowable catch currently in the implementation process. Thus, it is unlikely the red grouper recreational annual catch limit will be exceeded. Furthermore, Action 7.2 proposes in-season monitoring which would close the fishery if the harvest is projected to exceed the annual catch limit.

Action 3. Commercial gag quota adjustment to account for dead discards

Two public comments indicated they were against this action. One felt there was minimal discard mortality by the vertical line sector while the other felt the commercial sector would ignore this action. One NGO was supportive of the preferred alternative, but indicated the Council should verify this level of adjustment through observer programs.

Response: As described in Section 2.3, with the cuts in the commercial quota, it is likely that many individual fishing quota shareholders will likely run out of allocation. This means gag caught while targeting other species would be discards and some additional discard mortality would occur. This is the reason for considering the quota adjustment. With respect to ignoring the action, the commercial sector is highly regulated through the individual fishing quota program and so would be held to their individual

allocation. The commercial sector is currently subject to an observer program and information on the performance of the adjustment will be available for review.

Action 4. Adjustments to multi-use individual fishing quota shares

There were no comments from the public that were not in support of this action.

Action 5. Commercial gag size limit

Both NGOs support reducing bycatch, but expressed concern about the proposed reduction in the commercial size limit. Their main concern is how the reduction may affect the spawning potential of the stock. Both pointed out the minimum size limit is less than the size at 50 percent maturity and how any change in size limit could affect projection outcomes from the most recent assessment.

Response: There is a tradeoff between loss of spawning potential and the reduction in dead discards from reducing the minimum size. As described in Section 5.5.2, because the proportional reduction in the number of discarded gag is greater than the proportional increase in the number of fish needed to meet the individual quota, this alternative will likely provide a net positive benefit to the stock.

Action 6. Time and area closures

One public comment supported the closure of “The Edges.” Both NGOs supported the use of time and area closures to protect the gag spawning stock. They supported closing additional areas and preferred year-round closures to partial year closures.

Response: The Council selected the no action alternative as preferred primarily because of the negative social and economic impacts compared to the measurable biological benefits. These effects are discussed in Section 2.6 and 5.6. As described, closing a particular area can provide biological and ecological benefits, but these are difficult to quantify because of effort shifting outside the closed area. In general closing fishing areas remains a controversial issue and requires well defined rationale and trade-offs for closing a fishing area, particularly large fishing area(s). The Council had previously selected Alternative 3, Option c at the April 2011 meeting as the preferred alternative. However, most comments the Council received were negative regarding this closed area because of issues such as effort shifting and inter-sector completion. Thus, the Council selected the no action alternative at its August 2011 when the Council took final action on Amendment 32.

Action 7. Gag, Red Grouper, and Shallow-water Grouper Accountability Measures

Action 7.1 Gag, red grouper, and shallow-water grouper commercial accountability measures

Both NGOs supported Preferred Alternative 2; however, one recommended the individual fishing programs account for not only landed fish, but discarded fish as well.

Response: Currently the individual fishing quota program is based on landings only. To account for discarded fish, an at-sea monitoring program would need to be developed. In providing estimates of harvest levels, stock assessments do account for discarded fish as estimated by observer programs (see response for Action 3).

Action 7.2 Gag and red grouper recreational accountability measures

Both NGOs supported the Preferred Alternative 4; however, one NGO recommended that in-season accountability measures close the fishery when the annual catch target is achieved rather than the annual catch limit.

Response: In setting an in-season closure date should in-season projections indicate an annual catch limit would be exceeded, fishery managers are likely err on the side of caution in selecting a date. To allow the annual catch limit to be exceeded would postpone future increases for both the gag and red grouper fisheries. For gag, the increases are a part of the rebuilding plan, and for red grouper, the increases are a part of increases in the total allowable catch currently being proposed through a framework action. In addition, the gag stock is under a rebuilding plan. If the gag annual catch limit is exceeded, then an overage adjustment could be applied, further reducing the subsequent year's total allowable catch. Thus, the closure date would likely be based on the sector harvesting some value below the annual catch limit such as the annual catch target.

APPENDIX D ADDITIONAL GAG RECREATIONAL MANAGEMENT SCENARIOS

Table 1 below contains additional management scenarios for Action 2.1 based on the Reef Fish Advisory Panel recommended split season scenario. In addition to indication the percent change in total removals, the table also shows the adjusted landed catch after accounting for dead discards (adj. landings column). Table 2 shows the adjusted landings for the five alternatives currently in Action 2.1.

Open Season	Days Open	Min Size Limit	Max Size Limit	Bag Limit	State Consistency	Percent Change in Removals for Gag						2012 unadj ACT	2006-08 baseline		2009 base					
						2006-08 base		2009 base		2006-08 baseline			2009 base		adj landings	d discards	% change in landings	adj landings	d discards	% change in landings
						2.0	1.5	1.0	2.0	1.5	1.0		2.0	1.5						
Dec 24-Jan 31 & Jun 1-Jul 7	76	22	---	1	4	Yes	45%	52%	59%	40%	46%	53%	1.031	0.465	0.908	-71%	-10%	0.497		
Dec 24-Jan 27 & Jun 1-Jul 7	72	22	---	1	4	Yes	46%	53%	59%	41%	48%	54%	1.031	0.672	1.105	-73%	-13%	0.465		
Dec 24-Jan 31 & Jun 1-Jul 7	76	24	---	1	4	Yes	50%	56%	61%	45%	50%	56%	1.031	0.524	1.145	-79%	-10%	0.368		
Dec 24-Jan 27 & Jun 1-Jul 7	72	24	---	1	4	Yes	51%	56%	62%	46%	51%	56%	1.031	0.503	1.138	-80%	-11%	0.345		
Dec 24-Jan 27 & Jun 1-Jul 4	69	22	---	1	4	Yes	47%	53%	59%	42%	48%	54%	1.031	0.656	1.103	-74%	-13%	0.450		
Dec 24-Jan 27 & Jun 1-Jul 4	69	24	---	1	4	Yes	52%	57%	62%	47%	52%	57%	1.031	0.489	1.136	-80%	-11%	0.341		
Dec 24-Jan 24 & Jun 16-Jul 15	62	24	---	1	4	Yes	56%	60%	64%	55%	58%	61%	1.031	0.386	1.120	-85%	-12%	0.164		
Dec 24-Jan 24 & Jun 16-Jul 15	62	24	---	1	4	Yes	60%	63%	66%	55%	58%	61%	1.031	0.301	1.096	-88%	-14%	0.217		
Jan & Jul	62	24	---	2	4	Yes	58%	62%	65%	54%	57%	61%	1.031	0.363	1.084	-85%	-15%	0.205		
Dec 24-Jan 31 & Jun 26-Jul 31	75	24	---	2	4	Yes	53%	57%	62%	51%	55%	59%	1.031	0.489	1.116	-80%	-12%	0.278		
Dec 24-Jan 24 & Jun 26-Jul 31	68	24	---	2	4	Yes	55%	59%	63%	53%	57%	60%	1.031	0.433	1.104	-83%	-13%	0.230		
Dec 24-Jan 16 & Jun 26-Jul 31	60	24	---	2	4	Yes	57%	61%	64%	55%	58%	61%	1.031	0.392	1.092	-84%	-14%	0.195		

Open Season	Days Open	Min Size Limit	Max Size Limit	Bag Limit	State Consistency	Percent Change in Removals for Gag						2006-08 baseline	2006-08 baseline		2009 base					
						2006-08 base		2009 base		2006-08 baseline			2009 base		adj landings	d discards	% change in landings	adj landings	d discards	% change in landings
						2.0	1.5	1.0	2.0	1.5	1.0		2.0	1.5						
Alt 1: Jan, Apr-Dec	306	22	---	2	4	Yes	40%	43%	46%	40%	43%	46%	1.031	2.961	1.298	+19%	+2%	2.419		
Alt 2: Sep 16 - Nov 15	61	22	---	2	4	Yes	56%	60%	64%	58%	60%	62%	1.031	0.436	1.067	-83%	-16%	0.161		
Alt 3: Jan & Apr	61	22	---	2	4	Yes	50%	56%	61%	47%	52%	57%	1.031	0.604	1.062	-76%	-17%	0.399		
Alt 4 a: Jul-Oct	72	22	---	2	4	Yes	46%	53%	59%	45%	50%	56%	1.031	0.723	1.061	-71%	-17%	0.432		
Alt 4 b: Jul-Oct	123	22	30	2	4	Yes	51%	56%	62%	49%	54%	58%	1.031	0.555	1.094	-78%	-14%	0.325		