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Forty-Fourth ANNUAL REPORT (1993)

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GULF STATES MARINE FISHERIES COMMISSION

**FORTY-FOURTH ANNUAL REPORT
(1993)**

To the
Congress of the United States

And to the
Governors and Legislators

Of

Alabama, Florida, Louisiana, Mississippi, and Texas

Presented in compliance with the terms of the Compact and State Enabling Acts
Creating such Commission and Public Law 66 - 81st Congress assenting thereto

GULF STATES MARINE FISHERIES COMMISSION

P.O. Box 726

Ocean Springs, Mississippi 39566-0726

(601) 875-5912

GULF STATES MARINE FISHERIES COMMISSION

Forty-Fourth Annual Report (1993)

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GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

NMFS STATUS REPORT ON RULES IMPLEMENTING FMPs

In FY1993, the western zone commercial king mackerel fishery was closed. Amendment 6 to the FMP was implemented. The commercial trip limit for Atlantic group Spanish mackerel was reduced for the duration of the season. Emergency rule reopened the commercial fishery for Gulf group king mackerel under quota and vessel trip limit off Florida's east coast, and the fishery was subsequently closed on March 27, 1993. A control date for entry into the commercial king and Spanish mackerel fisheries was published; and TAC, bag limits, and commercial quotas for king and Spanish mackerel were implemented for the 1993-1994 season. A proposed emergency rule for allocating Eastern Zone Gulf group king mackerel between northern and southwestern areas was published for comment.

In FY1993, the proposed rule implementing red snapper TAC was published. Notice of intent to prepare an EIS and hold scoping meetings on a limited access system for red snapper was published. The emergency rule was implemented to revise the opening date of the commercial red snapper fishery. The emergency rule was implemented to establish commercial trip limits for red snapper for 1993. The emergency rule for red snapper endorsement and trip limits was extended, and the final rule establishing TAC, commercial quota, and bag limits for red snapper was implemented. The proposed rule for Reef Fish Amendment 6 was published for comment and implemented. Notice of availability of Reef Fish Amendment 5 was published.

In FY1993, the NMFS Shark FMP was implemented and the commercial fishery for large coastal sharks closed. Semiannual commercial quota for large coastal sharks was taken in 31 days, and the fishery closed.

In FY1993, the proposed rule for Shrimp Amendment 6 was published and the amendment (partially disapproved) was implemented.

In FY1993, the regulatory amendment to the Spiny Lobster FMP was implemented, establishing a limited access system for that fishery and revising other rules. The proposed rule revising recreational special season for spiny lobster was published for comment, and the final rule revising recreational special season for spiny lobster was published.

In FY1993, the notice of intent to prepare an EIS on bluefin tuna and scoping meetings was announced. The harpoon fishery was closed, and the reporting rules for bluefin tuna were implemented and quotas changed. Notice of granting an affirmative finding on yellowfin tuna import regulations was published.

Scoping meetings to obtain public comments on regulation of shark, swordfish, and the bluefin tuna fisheries were held.

The technical rule clarifying commercial closures in the coral, shrimp, and mackerel fisheries was implemented.

COUNCIL ACTION OF FMPs

Billfish FMP*

No action.

Butterfish FMP

A stock assessment for the butterfish fishery was prepared by the NMFS for review by the Council. The assessment was submitted to the SSC for peer review and to the AP for advice on development of a FMP. The Council staff is proceeding with development of a FMP for the fishery.

Coral FMP

Florida rules on harvest of "live rock" were subjected to litigation, and the Council requested to manage harvest of those organisms. Council staff prepared an options paper for an amendment to regulate live rock. SAFMC held a scoping meeting on the live rock issue and acted on the options paper provisions. Council staff prepared draft Amendment 2 to regulate live rock. The Council and SAFMC reviewed the amendment and selected preferred alternatives.

Mackerel

In 1993, the western zone commercial king mackerel fishery was closed and subsequently the eastern zone commercial king mackerel fishery was closed before any fish migrated north of the Monroe County, Florida, on the Florida east coast. Fishermen residing north of Monroe County petitioned the Council to reopen the fishery on an emergency basis. The Council recommended, and the Secretary approved an emergency rule to allow harvest under a 259,000-pound quota and vessel trip limit of 30 fish.

A scoping meeting was held by the Mackerel Management Committee with fishermen on the east coast of Florida to consider alternatives for vessel trip limits for implementation by regulatory or plan amendment. The Council requested the NMFS implement by emergency rule areal commercial allocations for Gulf group king mackerel and vessel trip limits for northern and southern areas of the east commercial zone. The NMFS subsequently rule the trip limits could not be implemented by emergency rule but proceeded with implementation of the areal allocations. The Mackerel Management Committee held a workshop (scoping meeting) with the industry to seek long-term solutions for areal trip limits. Staff drafted an options paper for an amendment to address trip limits which was submitted to SAFMC for action.

Staff prepared Draft Amendment 7 which proposes commercial trip limits for Gulf group king mackerel in Northern and Southwestern areas of the Eastern Allocation Zone. The draft amendment was reviewed and revised by the Council and SAFMC. Staff was instructed to modify the framework measure to provide for implementing TAC by Notice Action.

Red Drum FMP

In 1993, the SEFC completed the stock assessment for red drum. The Stock Assessment Panel (SAP) reviewed the assessment and recommended that ABC for set at zero. The assessment and SAP report did indicate the escapement level (30 percent) of juveniles to the spawning stock had been achieved (42 percent) and the stock should be fully restored by 1997. The SAP also developed a research protocol to assess the size and age composition of the spawning population that is necessary to complete the assessment of this population. The SSC and Red Drum AP reviewed the assessment information, SAP report, and research protocol and provided their recommendations to Council. The Council reviewed the reports and recommendations and requested the GSMFC develop a research plan and funding initiative for red drum.

Reef Fish FMP

In 1993, the Council's Appeals Board completed review of vessel harvest records for all persons appealing a decision by the NMFS on which vessels qualified for 2,000-pound limits of red snapper in 1993. The commercial red snapper fishery was opened on February 16.

Based on positions taken at workshops held with the industry, staff prepared an options paper including alternatives for several types of limited access systems for red snapper and other types of management alternatives. The Reef Fish Management Committee was convened for two days to review and tentatively select options. The Council reviewed the options paper and committee recommendations in January and a preliminary draft amendment (Amendment 7) in March, selecting as their preferred alternative an ITQ system for the fishery. Public hearings were scheduled in June.

Amendment 6 was approved by the Council and submitted to the NMFS for implementation. The SEIS for Amendment 5 was completed and the amendment submitted to the NMFS for implementation and the SEIS for filing with EPA. The Law Enforcement Advisory Panel was convened to provide recommendations on the enforceability of alternatives proposed in the preliminary draft Amendment 7.

The Council completed and approved for public hearing draft Amendment 7, which addressed primarily short-term and long-term (limited access) alternatives for regulating the commercial red snapper fishery. Copies were provided to all vessel operators/owners holding reef fish endorsements (131) and all reef fish vessel permittees (2,200) were notified of the availability of the draft amendment. The draft amendment was reviewed by the SSC, Reef Fish AP, and Law Enforcement AP, and their recommendations provided to the Council. Twelve public hearings were held on the amendment and public comments summarized for the Council. An Ad Hoc AP consisting of red snapper fishermen reviewed Amendment 7.

Amendment 6, extending the red snapper vessel endorsement and trip limits through 1994 was implemented. The Regional Director of the NMFS requested the Council withdraw Amendment 5 to provide additional impact analyses, and the Council concurred. The draft SEIS for the reef fish fishery and Amendment 5 was distributed to agencies, associations, and public for review.

The Council reviewed the public hearing comments and recommendations of the Reef Fish AP, Ad Hoc Red Snapper AP, Law Enforcement AP, and Scientific and Statistical Committee (SSC) on the public hearing draft of Amendment 7 which primarily addressed limited access for the commercial red snapper fishery. Council instructed staff to revise the portion of the amendment addressing limited access for further public review at workshops as Draft Amendment 8. Other elements addressing enhanced enforcement and permit/endorsement transfer were included as Amendment 7 and submitted to the NMFS for implementation. Following agency and public comment, the SEIS for Amendment 5 was revised and Amendment 5/SEIS submitted to the NMFS for implementation.

The Reef Fish Quota Review Panel was convened in August to assess and project grouper landings data for 1993. The Reef Fish Stock Assessment Panel (SAP) reviewed stock assessments for red grouper, red snapper, and vermilion snapper, as well as stock information on amberjack, gag grouper, red porgy, and triggerfish. The Reef Fish SAP prepared a report and set ABC ranges for shallow-water grouper and red snapper. The Socioeconomic Panel (SEP) reviewed the Reef Fish SAP report and drafted a report recommending TAC levels and size limits. The Reef Fish AP and SSC reviewed these reports and stock assessment and commercial quotas for shallow-water grouper and red snapper and submitted these via regulatory amendment to the NMFS for implementation.

Council staff submitted a regulatory amendment to the NMFS for implementation that would modify the boundary of the longline/buoy restricted area off Florida. The Council deferred a decision

on whether to withdraw this amendment until November, pending presentation of updated information on 1993 shallow-water grouper landings and to allow additional public comment on the issue.

Shark FMP

In 1993, the Final Secretarial Shark FMP was implemented and the commercial fishery for large coastal sharks closed until July 1, 1993. The semiannual commercial quota for large coastal sharks was taken in 31 days and the fishery closed. Council representatives participated in the Shark Operations Team (OT) meeting to address management issues. The NMFS held scoping meetings on the management issues.

Shrimp FMP

In 1993, the Shrimp AP and SSC reviewed the NMFS' assessments on the effectiveness of the cooperative Texas shrimp closure. The Council heard public testimony on this issue and extended the cooperative closure to 200 miles for the 1993-1994 season. Amendment 6 was implemented, permanently modifying areas and periods that are open to shrimping in the Tortugas Sanctuary. The Shrimp Stock Assessment Panel, along with state shrimp biologists, was convened and reassessed the definitions of overfishing for stocks of brown, pink, and white shrimp. A scientific/industry task group was convened to examine current data collection systems and the need for vessel logbooks. The Council reviewed the Shrimp Stock Assessment Report on overfishing definitions for brown, white, and pink shrimp and adopted their recommendations. The new definition for overfishing of white shrimp will be submitted to the NMFS in the next amendment. They also reviewed and accepted the recommendations of the task group on vessel logbooks. The Council reviewed the Tortugas Sanctuary report and annual reports assessing overfishing of each major stock prepared by the NMFS. The Shrimp Management Committee and Council reviewed summaries of the progress on the cooperative shrimp trawl bycatch research program presented by the NMFS and other participants in the program. The Council concluded that insufficient progress had been made to begin developing an amendment addressing shrimp trawl bycatch and deferred that action until 1994. The Council discussed the shrimp vessel effort collection system and deferred the issue for further discussion in November when additional data and analyses would be available.

Spiny Lobster FMP

Proposed rules for a regulatory amendment to extend the effort reduction system adopted by the Florida Legislature to the EEZ was published for public comment. The Council considered a request by the Regional Director that the FMP be withdrawn. Action on this issue was deferred pending a court decision in Southeast Fishery Association versus the State of Florida.

Information, public hearing and workshop records, and economic analysis submitted by the Florida Marine Fisheries Commission in support of changing the period and bag limits for the special recreational season was provided to the Spiny Lobster AP and the SSC for review. The Gulf and South Atlantic Councils submitted a regulatory amendment to the NMFS to implement the proposed changes. The proposed rule for the regulatory amendment changing recreational special season dates and bag limits was published for public comment. The final rule for the regulatory amendment changing recreational special season dates and bag limits was published.

Stone Crab FMP

No action.

Swordfish FMP*

In 1993, TAC for the fishery for 1993-1994 was set by the NMFS rule. The NMFS held scoping meetings to discuss management issues with the public.

Tuna FMP*

In 1993, the NMFS held scoping meetings to discuss management issues with the public.

Generic Amendment

The Council and committee took final action on a draft amendment to standardize the permitting and data collection provisions of the seven FMPs administered by the Council. This document was submitted to the South Atlantic Council for action.

*FMPs under the regulatory authority of the NMFS. The Council has a consultation role in the development of FMPs, amendments and rules, and may convene SSC, AP, or committees for advice.

OTHER ACTIONS

Habitat Protection

In 1993, a detailed COE plan of study on open water disposal conducted in Mississippi Sound was given to Council members.

Support agencies and projects that would reestablish sheet flow fresh water through the Everglades to Florida Bay.

Oppose open-water spoil disposal from maintenance dredging projects in Laguna Madre. The NMFS Regional Director was asked to notify the Council of all proposed activities that would potentially decrease available light to the seagrass ecosystem.

Staff investigate the proposed permit for Formosa Plastics Corporation to discharge waste water into Laguna Bay, Texas, and report findings to the Council's Habitat Protection Committee. Detailed project information was forwarded to Council members, and a report submitted on the project at the appropriate time.

The Habitat Protection Committee will be briefed on anticipated 1993 legislation potentially impacting marine fisheries. The briefing will be presented to the habitat protection subpanels during their joint meeting in August. Following this meeting their action(s) will be reported to the Habitat Protection Committee.

A meeting of the three Habitat APs was scheduled to address habitat issues including the problem in Florida Bay. A meeting of the three Habitat APs was held to address habitat issues. The Council reviewed these recommendations and took the following actions:

When requested to comment by the House Merchant Marine and Fisheries Subcommittee for Oceanography, the Gulf of Mexico and Outer Continental Shelf notified them that the Council supports strengthening the Gulf of Mexico EPA Program that includes the

- a. Statutorily recognizes a Gulf of Mexico Program with dedicated funding to ensure that actions can in fact be implemented;
- b. A partnership approach including all state and federal agencies, local government, citizen groups, and scientific input;
- c. A mechanism to set Gulf-wide goals aimed at highest priority problems;
- d. Authority to implement actions that address goals and objectives;
- e. Includes a program on an international level to include Mexico, Cuba, and other Caribbean areas. The Council requests the opportunity to review related bills.

Urge the NMFS and USFWS to allocate additional funding to conduct coordinated fisheries studies complementing marsh management research being conducted by the United States Geological Wetlands Research Center in Lafayette, Louisiana, and specifically address:

- a. Potential effects on marine fisheries productivity, and
- b. The design of water control structures that allow adequate ingress and egress of marine organisms while facilitating other multi-purpose marsh management objectives.

Staff coordinate with the NMFS, FWS, FDEP, and Park Service to develop a report regarding Florida Bay problems for the next Council meeting that includes:

- a. Economic impacts on species for which Council has management responsibility;
- b. Draft resolution calling attention to Council's concerns with the impacts of continued degradation of the ecosystem.

Advise the Chairman of the Louisiana Coastal Wetlands Task Force of the Council's support for the general restoration strategies described in their draft plan, while reserving the opportunity to review and comment on the individual projects recommended in that plan, prior to their authorization and/or implementation.

Write to the regional and national offices of the Corps of Engineers and EPA requesting a review of performance of their memorandum of agreement concerning mitigation policy under the Clean Water Act, Section 404(b) (1) Guidelines, since the Council's last correspondence in February 1991.

Express concerns to the Chief of Engineers regarding Corps of Engineers' rate of progress with Section 216 studies and the reduced funding and delaying scheduling of studies. Copies sent to district and division engineers.

Staff should track administration's wetlands policy, especially mitigation sequencing, water dependency, and other factors of the mitigation process.

Budget Council funds to allow at least one joint session of the habitat protection advisory panels in addition to at least one meeting per year by each of the three regional panels.

Invite a representative of the Texas Water Development Board to update the Texas Habitat Protection Advisory Panel on Texas water mitigation plans during the next meeting of the Habitat Protection AP.

Invite the state of Louisiana and the U.S. Fish and Wildlife Service members of the Mississippi/Louisiana Habitat Protection Advisory Panel to be included in the Texas Water Plan briefing.

Florida Keys Marine Sanctuary

The Council considered and approved proposed fishing rules that would apply to the Sanctuary and a rule-making procedure for implementing Sanctuary rules in the future. These recommendations were submitted to NOS for the Sanctuary public hearing document.

Limited Access

Staff completed the first draft of a limited entry options paper of the shrimp fishery. The NMFS (Washington) initiated contractual agreements with fishery economists for developing the shrimp limited entry system for the Gulf. The Ad Hoc Limited Entry Committee reviewed and modified the options paper. The Council submitted the discussion paper for the limited access system for the shrimp fishery to the AP for review and revision, for advice on plans for effort control systems for state waters, and for holding workshops with the industry.

In 1993, a moratorium for participants in the commercial reef fish trap fishery was submitted for implementation as part of Amendment 5. An amendment on limited entry for the red snapper commercial fishery was prepared.

Law Enforcement

The Law Enforcement AP reviewed Reef Fish Draft Amendment 7. An additional meeting of the Law Enforcement AP for review of Reef Fish Draft Amendment 7 was scheduled.

Magnuson Act Amendment

The Council Chairman and Executive Director attended a NMFS workshop on amendments to the Act. The Council Chairman testified before the House Subcommittee on Fisheries Management. Council representatives attended a Magnuson Act that was held in conjunction with the Council's March meeting. The Council reviewed the Magnuson Act and the Council's recommendation to Congress. The Council Chairman and Vice Chairman attended a meeting of the chairmen of the eight councils and developed recommendations to be submitted to Congress. Staff prepared a conservation report on the status of Gulf fishery stocks which also will be submitted to Congress along with similar reports by the other Councils.