

**FEDERAL ISSUES REPORT**  
**Florida Fish & Wildlife Conservation Commission**  
**Division of Marine Fisheries Management**  
**Report Date: May 2, 2008**

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

The South Atlantic Fishery Management Council (Council) will meet in Orlando, Florida from June 8-13, 2008. This meeting will occur during the same week as the June meeting of the Fish and Wildlife Conservation Commission. A number of important actions to restrict harvest of snapper and grouper species are being developed or are in the process of final approval.

**SNAPPER-GROUPER MANAGEMENT**

**SNOWY GROUPE**--The Council has approved regulatory amendments that establish rebuilding plans and management benchmarks for snowy grouper in the South Atlantic. The rebuilding plans establish management targets for the optimum fishing level, minimum population size, and schedules for rebuilding depleted stocks. These amendments have been forwarded on to the United States Department of Commerce for formal review and approval. The final step would be development of federal regulations.

**Harvest allocation.** The Council has previously selected a preferred allocation of 95% commercial to 5% recreational harvest for a total allowable catch of 87,300 pounds. Final action on this alternative was postponed at the March, 2008 meeting and has been scheduled for June, 2008. The allocation is considered interim and is based on historical landings from 1986 to 2005. The Council is developing a comprehensive allocation plan that will likely result in a recalculation of the harvest allocation. This plan will investigate ways to divide allowable future harvest amongst the commercial and recreational sectors for all species currently managed by the Council.

***Staff Recommendation: The Council is scheduled to take final action on the snowy grouper allocation at its June 2008 meeting and staff recommends supporting this alternative.***

**RED PORGY**--The Council has approved regulatory amendments that establish rebuilding plans and management benchmarks for red porgy in the South Atlantic. These amendments have been forwarded on to the U.S. Department of Commerce for formal review and approval. The final step would be development of federal regulations.

**Harvest allocation.** The Council has previously selected a 50:50 harvest allocation between commercial and recreational fishers for a total allowable catch of 380,100 pounds. Final action on this alternative was postponed at the March, 2008 meeting and has been scheduled for June, 2008. The allocation is considered interim and is based on a recommendation of the Council's Snapper-Grouper Advisory Panel. The Council is developing a comprehensive allocation plan that will likely result in a recalculation of the harvest allocation. This plan will investigate ways to divide allowable future harvest amongst the commercial and recreational sectors for all species currently managed by the Council.

***Staff Recommendation: The Council is scheduled to take final action on the red porgy allocation at its June 2008 meeting and staff recommends supporting this alternative.***

**GAG GROUPEr**—The latest assessment for gag grouper indicates that harvest must be reduced by 37% to end excessive fishing pressure (overfishing). Current fishing mortality is about 1.3 times the maximum desired fishing mortality.

Regulatory changes are under development that would significantly restrict fishing for gag grouper in the South Atlantic. The Council approved a public hearing document that includes Council-preferred alternatives for management.

Two public hearings are scheduled in Florida: May 7, 2008 in Key Largo and May 9, 2008 in Cape Canaveral. These hearings will consider other elements of a plan, including reductions in vermilion snapper harvest and possible implementation of gear restrictions for reef fishing.

**Management benchmarks.** Council is recommending setting a maximum sustained yield (harvest) target equating to 1,238,000 pounds per year, an "optimum" yield that equates to 75% of the maximum yield, and a minimum spawning stock threshold of 6,816,000 pounds. The estimated actual spawning stock size in 2005 was 7,470,000 pounds.

**Annual catch limits.** Annual catch limits are numerical catch levels that must be set each year by the Council. These are new requirements under the Magnuson-Stevens Act and are required by 2010 for fisheries determined to be undergoing overfishing. The Council is evaluating catch limits in this amendment based on managing harvest at "optimum yield". This is more conservative than allowing for "maximum yield, and for 2009 onwards would be 694,000 pounds.

**Harvest allocation.** The Council selected a preferred allocation of 51% commercial and 49% recreational harvest. The allocation is considered an interim measure, based on average landings from 1999-2003. These years take into account regulatory changes put into effect in 1999 that tended to lower the relative amount of commercial harvest. Two other alternatives in the public hearing document result in higher commercial percentages. If the preferred allocation is implemented it would result in a commercial quota of 353,940 pounds and a recreational allocation of 340,060 pounds. The Council is developing a comprehensive allocation plan that will likely result in a recalculation of the allowable harvest. This plan will investigate ways to divide allowable future harvest amongst the commercial and recreational sectors for all species currently managed by the Council.

**Management measures.** The following proposed measures may be implemented singly or in combinations and are designed to reduce current harvest levels to meet proposed catch limits.

- ✓ Establish a January through April spawning season closure for commercial and recreational harvest. This closure would apply to gag, black and red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby and coney. This action by itself would result in a 31% reduction in recreational harvest and an 18% reduction in commercial harvest.
- ✓ Establish a commercial quota. At the proposed reduced quota levels, this would result in the commercial season ending somewhere between June and September each year.
- ✓ Divide the commercial quota into two regions.
- ✓ Restrict recreational harvest by combining a seasonal closure with a reduction of the bag limit. The preferred alternative selected at the March 2008 meeting is a limit of 1 gag or black grouper in an aggregate bag limit of 3 shallow-water groupers (the current bag limit is 2 gag or black groupers in the aggregate bag limit of 5 fish). Captain and crew on for-hire vessels would not be allowed to possess a bag limit for groupers. This alternative, combined with a 4-month closure, would achieve the targeted recreational harvest reduction of 37 percent.
- ✓ It is possible to leave the current 5-fish aggregate bag with 2 gag or black grouper and implement a December through April spawning season closure for recreational fishing. This action by itself would result in a 38% reduction in harvest.

***Staff Recommendation: The Council approved management alternatives for public review at the March 2008 meeting. Staff recommends support for the preferred management benchmarks,***

*annual catch limits, harvest allocation, and concurs that commercial and recreational restrictions are needed to meet federal goals to end overfishing.*

*Staff recommends generally taking an incremental approach to recreational restrictions as follows:*

- 1) Lower bag limits*
- 2) Raise size limits*
- 3) Implement seasonal closures*

*At the March meeting the Council moved forward with an alternative that would reduce recreational harvest of gag and black grouper from 2 to 1 fish. The Council will consider public input during final review in June. FWC staff will request reconsideration of a 3-fish aggregate bag and a 2-fish limit for gag and black grouper.*

**VERMILION SNAPPER**-- Regulatory changes are under development that would significantly restrict fishing for vermilion snapper in the South Atlantic. A public hearing document was approved at the March 2008 meeting. However the amount of harvest reduction needed is less certain than for gag grouper because of data deficiencies in the last stock assessment. An updated assessment has been ordered and will be available in late 2008, in time to modify any management recommendations. The Council must proceed with proposed regulatory options now in order to address federal requirements to end overfishing within one year. It is very likely that harvest must be reduced by more than 50 percent. Current fishing mortality is more than two times the maximum desired fishing mortality.

**Management benchmarks.** The target values for maximum sustained yield (MSY) and the optimum yield (OY) will be modified after the new assessment is completed in 2008. Likewise because of the high level of uncertainty with the estimated population size in the last assessment, no attempt has been made to establish a minimum stock size threshold. The updated assessment expected in late 2008 will include data that can provide this estimate.

**Annual catch limits.** The Council has selected a preferred catch level of 566,000 pounds, to end overfishing from 2009 onwards.

**Harvest allocation.** Currently there is no established allocation. The Council has selected a preferred allocation of 68% commercial and 32% recreational harvest. The allocation is considered interim and is based on average landings from 1986-2005. Different ranges of years do not significantly change this ratio. If this allocation is implemented for the proposed annual catch limit, it would result in a commercial quota of 385,000

pounds and a recreational allocation of 181,000 pounds. These quotas would amount to a 58% and 69% reduction in current (2004-2006) harvest levels, respectively. The Council is developing a comprehensive allocation plan that will likely result in a recalculation of the allowable harvest. This plan will investigate ways to divide allowable future harvest amongst the commercial and recreational sectors for all species currently managed by the Council.

**Management measures.** The following preferred management measures may be implemented singly or in combinations and are designed to reduce current harvest levels to meet proposed catch limits.

- ✓ Establish a new commercial quota. Current regulations have a quota of 1,100,000 pounds per year. A new quota based on the currently preferred allocation would reduce the quota to 328,000 pounds.
- ✓ Divide the total annual commercial quota evenly into two 6-month seasons.
- ✓ Restrict recreational harvest from 10 to 4 fish (45% reduction) with a seasonal closure of October through May 15<sup>th</sup> (38% reduction). Captain and crew on for-hire vessels would not be allowed to possess a bag limit for vermilion snapper.

***Staff Recommendation: The Council selected the above preferred alternatives for public review at the March 2008 meeting. Staff recommends support for the preferred management benchmarks, annual catch limits, harvest allocation, and concurs that commercial and recreational restrictions are needed to meet federal goals to end overfishing.***

***Staff recommends generally taking an incremental approach to recreational restrictions as follows:***

- 4) Lower bag limits***
- 5) Raise size limits***
- 6) Implement seasonal closures***

**GOLDEN TILEFISH**--The Council postponed final approval of management benchmarks for golden tilefish in the South Atlantic at its March 2008 meeting. The Council is recommending setting a maximum sustained yield (harvest) equating to 336,425 pounds per year, an "optimum" yield that equates to 75% of the maximum yield, and a minimum stock size threshold that equates to 75% of the spawning stock that would be present if the population was at the maximum sustained yield. Actions have already been taken to eliminate excessive harvest (overfishing) of golden tilefish.

***Staff Recommendation: The Council is scheduled to take final action on the golden tilefish allocation at its June 2008 meeting and staff recommends supporting this alternative.***

**RECREATIONAL SALE OF SNAPPER-GROUPER**--The Council is considering final approval of measures that would: 1) prohibit sale or purchase of snapper-grouper species harvested in federal waters on board a vessel that does not have a valid Federal commercial permit for South Atlantic snapper-grouper or, 2) prohibit sale or purchase of snapper-grouper possessed as part of a recreational bag limit. The latter provision means that snapper-grouper caught aboard a vessel with both a for-hire vessel permit and a Federal commercial snapper-grouper permit may not be sold or purchased if the vessel is fishing as a charter.

In April 2008 the National Marine Fisheries Service released a supplemental analysis of the estimated economic impact of this proposal. The analysis concludes that elimination of all bag-limit sales would result in approximately \$2.6 million dollars of lost value annually. This would constitute a reduction of approximately 19 percent in average annual gross revenues per vessel associated with fish sales by vessels in the for-hire fishery (\$294,000), and approximately 9 percent reduction in average annual gross revenues for commercial vessels that do not possess a federal snapper grouper permit (\$2.3 million). The proposal would also eliminate the ability of recreational private anglers to subsidize the cost of a fishing trip through sales of fish. This could result in some decrease in recreational angler demand. The magnitude of this decrease cannot be determined but no evidence exists to suggest that the incidence of this behavior—selling fish to subsidize the cost of the trip—is a significant component to total recreational demand. Therefore, reduced private-angler demand is expected to be minimal.

A potentially more significant issue is that the loss of bag-limit sales revenue by for-hire vessels may require fee increases or service reductions (lower-paid or fewer crew).

An additional alternative being considered would reduce, but not completely eliminate recreational sale. It would allow continued bag-limit sales by vessels that possess a Federal for-hire permit.

The Council will consider this issue again at the June 2008 meeting and consider a final recommendation based on this new economic analysis. Similar rules are already in place in federal waters of the Gulf of Mexico. Sale of recreational bag limits of snapper-grouper taken from state waters of Florida is not currently prohibited on either coast. The current situation prevents effective enforcement of any prohibitions on recreational sale in federal waters. It is perceived as a fairness issue because it allows for the sale of recreationally-caught fish which are counted against commercial harvest quotas. This will set up increased user conflicts as federal managers

adopt “annual catch limits” that establish strict allotments for recreational and commercial harvesters. Some percentage of harvested fish under recreational bag limits may also be double-counted (by both the Marine Recreational Fishing Statistics Survey and commercial trip ticket systems).

***Staff recommendation: Prohibiting recreational sale is not likely to have a significant biological impact on snapper-grouper species. The issue is one of user conflict and allocation. Given the growing number of restrictions on harvest of snapper-grouper species and the likelihood of increased competition for a shrinking allowable catch, staff recommends that sale of recreational bag limits be prohibited.***

**SNAPPER-GROUPER GEAR RESTRICTIONS**—The Council has proposed implementing gear requirements to reduce bycatch of snapper-grouper species. The currently preferred alternative is scheduled for final review at the June 2008 meeting. It contains the following provisions that would apply to both commercial and recreational snapper grouper fishing:

- ✓ Persons on board a vessel fishing for snapper-grouper species in federal waters of the Atlantic would be required to use:
  - Venting and de-hooking tools.
  - Non-offset, non-stainless steel circle hooks when using natural baits.

***Staff Recommendation: Support for the proposal, consistent with regulations implemented for federal and state waters of the Gulf of Mexico. A proviso would be to insure that the implementation of these regulations allows adequate time for gear manufacturers and distributors to adjust to the changes.***

**SETTING ANNUAL CATCH LIMITS FOR SNAPPER-GROUPER**—The Council is developing new regulations to address federally mandated annual catch limits and accountability measures for 10 snapper-grouper species that are currently experiencing overfishing. These limits must be implemented by 2010. The annual catch limits apply to both commercial and recreational fisheries and include accountability measures for ensuring that the catch limits are not exceeded. Examples of these include corrective measures if overages occur, and implementation of an in-season monitoring program. The following species will be included:

- Red snapper
- Snowy grouper
- Golden tilefish
- Black sea bass

- Red grouper
- Black grouper
- Speckled hind
- Warsaw grouper
- Gag grouper
- Vermilion snapper

The Council will review annual catch limit values for these species at its June 2008 meeting, based on recommendations from its Science and Statistical Committee. Annual catch limits will be evaluated for individual species or for species groups.

The accountability measures will include establishing commercial quotas and specific recreational allocations based on the annual catch limits. Additional measures will be considered to reduce bycatch and fishing mortality of deepwater species.

Once specific harvest caps are set, the accountability measures will include provisions to reduce future harvest levels if annual caps are exceeded (overages).

***Staff Recommendation: Work with Council staff and its Science and Statistical Committee to review and consider actual catch limit values. We recommend supporting management alternatives for accountability measures that make gradual adjustments for harvest overages to the maximum extent possible.***

#### **MISCELLANEOUS SNAPPER-GROUPER ISSUES—**

- ✓ Strengthen Commercial bycatch monitoring.
- ✓ Strengthen Commercial and for-hire requirements for minimizing potential impacts to sea turtles and smalltooth sawfish.
- ✓ Liberalize renewal time for commercial snapper-grouper permits.
- ✓ Liberalize transfer provisions for commercial snapper-grouper permits.

***Staff Recommendation: The Council is scheduled to take final action on these issues at its June 2008 meeting and staff recommends supporting this alternative.***

**FUTURE SNAPPER-GROUPER ISSUES—**The Council will review new stock assessments for red snapper, greater amberjack and mutton snapper at the June 2008 meeting. The advance word is that red snapper is severely

overfished and undergoing intense overfishing. Significant reductions in harvest are likely in accordance with federal law.

### **ECOSYSTEM MANAGEMENT**

The Council approved a Fishery Ecosystem Plan and a related Comprehensive Amendment (specific regulatory recommendations) for public hearings in May 2008.

A key component of the Comprehensive Amendment is the establishment of deepwater coral areas called “Habitat Areas of Particular Concern” (a federal designation). The Council incorporated input from commercial deepwater shrimp and golden crab fishing interests into its proposed area boundaries. The areas incorporate waters deeper than 600 feet.

If established, these areas would:

- ✓ Prohibit bottom longlines, trawls, dredges, pots or traps.
- ✓ Prohibit anchoring, use of an anchor and chain, or use of a grapple and chain on a fishing vessel.
- ✓ Prohibit possession of any species regulated by existing coral regulations.
- ✓ Require vessel monitoring systems for the golden crab fishery.

### **HARVEST ALLOCATION**

A special Council committee is reviewing proposals for a comprehensive allocation amendment. The full Council will review the committee’s work at the June 2008 meeting.

Considerations are being made to reserve a percentage of any species total allowable catch as a conservation buffer. This would mean commercial and recreational fishermen may be subject to lower annual catch limits.

The committee is also considering a separate “for-hire” category for splitting out allocations. When determining allocations among commercial, recreational, for-hire and conservation sectors, the committee is considering the application of economic data, landings information, and subjective measures of what the Council thinks a fishery should be like in the future.

## **GULF OF MEXICO FISHERY MANAGEMENT COUNCIL**

The Gulf of Mexico Fishery Management (Council) will meet the week of June 2-5, 2008, in Houston, Texas. The following issues will be discussed and voted on by the Council. As of this writing, the June Council Agenda had not been finalized; however the following issues most certainly will be discussed. Following this meeting, staff will provide an update to this report.

### **BUDGET AND PERSONNEL COMMITTEE**

Wayne Swingle, who has been the Executive Director of the Gulf Council for the past 30 years, is retiring in June 2008. This Committee will interview and select Mr. Swingle's replacement.

### **REEF FISH**

**GAG GROUPER AND RED GROUPER, AMENDMENT 30B** – The Council was scheduled to take final action on Reef Fish Amendment 30B at their April 2008 meeting. This amendment addresses management alternatives for gag and red grouper. Based upon the 2006 stock assessment and subsequent re-evaluation in September 2007, gag were found to be undergoing overfishing (too much harvesting pressure), and Amendment 30B was developed to address that condition and includes the following actions: 1) set gag total allowable catch (TAC); 2) set red grouper TAC; 3) set red grouper and gag allocations; 4) establish shallow-water grouper interim annual catch limits (ACL) and accountability measures (AM); 5) set shallow-water grouper commercial quotas; 6) set red grouper, and gag commercial quotas; 7) establish the mechanism for commercial quota closures; 8) establish recreational harvest management alternatives of gag and red grouper (bag limits, closed seasons); 9) create alternatives to reduce discard mortality of grouper (possible minimum size reduction); 10) create Marine Reserves, or spawning area closures; and, 11) federal regulatory compliance, which would require federal reef fish permit holders to comply with federal regulations no matter where they are fishing (unless state regulations are more restrictive).

To review two of the most important aspects of the grouper management, the following outlines the allocation and recreational management alternatives:

#### **Allocation**

Following are the allocation alternatives for the recreational harvest of gag and red grouper:

- Alternative 1. No Action. Maintain the allocation of total allowable catch (TAC) between the recreational and commercial fisheries as

specified in Amendment 1 to the Reef Fish FMP as the average share during the years 1981 through 1987. Only 1986-1987 landings are used since grouper were not identified to species in the commercial fishery until 1986. The recreational:commercial proportions would be gag - 65:35, red grouper - 23:77.

- Alternative 2. Establish the allocation of TAC between the recreational and commercial fisheries as the 5-year average share from 2001 through 2005. The recreational:commercial proportions would be gag - 59:41, red grouper - 24:76.
- Alternative 3. Establish the allocation of TAC between the recreational and commercial fisheries as the average share during the years 1986 through 2005. The recreational:commercial proportions would be gag - 61:39, red grouper - 24:76.

Although the Council previously had voted to defer grouper allocation until a plan amendment was developed to present guidelines for reef fish allocation, at this meeting the Council selected a preferred alternative, which is Alternative 3 – the full landings time series of 1986-2005. Staff supported Alternative 1.

**Recreational Management Alternatives.** The following are the recreational management alternatives for the harvest of gag and red grouper:

- Alternative 1. No action: 1) Maintain the red grouper minimum size limit at 20 inches TL and the gag minimum size limit at 22 inches TL; 2) maintain the February 15 to March 15 recreational closure for gag, red grouper, and black grouper; and, 3) maintain the recreational bag limit for red grouper at 1 fish per person per day within the 5-grouper aggregate bag limit (336 day season).
- Alternative 2. Establish: 1) a gag bag limit of 1 fish per person per day within the aggregate bag limit; 2) no red grouper bag limit (catch up to the aggregate); 3) aggregate grouper bag limit of 3 fish per person; and, 4) a January 15 through April 15 closed season on shallow-water grouper (45% reduction in gag, 14% increase in red grouper, 274 day season).
- Alternative 3. Establish: 1) a gag bag limit of 1 fish per person per day within the aggregate bag limit; 2) two red grouper bag limit; 3) aggregate grouper bag limit of 3 fish per person; and, 4) February 1 through April 30 closed season on shallow-water grouper (46% reduction in gag, 8% increase in red grouper, 276 day season).
- Alternative 4. Establish: 1) a gag bag limit of 2 fish per person per day within the aggregate bag limit; 2) no red grouper bag limit (catch up to the aggregate); 3) aggregate grouper bag limit of 3 fish per person; and,

- 4) a Jan 1 through May 15 closed season on shallow-water grouper (45% reduction in gag, 12% reduction in red grouper, 230 day season).
- Alternative 5. Establish: 1) aggregate grouper bag limit of 3 fish per person; 2) no species-specific grouper bag limit; 3) gag recreational minimum size limit remains 22-inch TL; 4) red grouper recreational minimum size limit remains 20-inch TL; and, 5) January 1 through May 21 closed season on shallow-water grouper (45% reduction in gag, 5% reduction in red grouper, 224 day season).
  - Alternative 6. Establish: 1) aggregate grouper bag limit of 3 fish per person; 2) a gag bag limit of 1 fish per person per day within the aggregate bag limit; 3) no red grouper bag limit (catch up to the aggregate); 4) gag recreational minimum size limit is reduced to 20-inch TL; 5) red grouper recreational minimum size limit remains 20-inch TL; and, 6) December 1 through April 30 closed season on shallow water grouper (46 percent reduction in gag, 1 percent increase in red grouper, 214 day season).

However, several new issues had arisen that persuaded the Council to defer final action on 30B until at least June 2008, and possibly until August 2008:

- Analysis of new or modified alternatives for the recreational and commercial management actions had been requested by Council members such as increasing the gag limit from one-fish to two- or three-fish within the aggregate three fish bag limit, evaluating measures to achieve the longest possible recreational harvesting season (including decreased effort projections), and spawning season closures. These have been supported by Florida Council members.
- An update of the gag grouper assessment that will include recent analysis of the gag juvenile abundance indices. This analysis will be conducted by the Southeast Fisheries Science Center, and will not be completed before May 2008, and will have to be reviewed by the Council's Science and Statistical Committee (SSC). This exercise will include participation by the FWC's Fish and Wildlife Research Institute (FWRI) stock assessment scientists. It is not yet known what the results of this analysis will indicate regarding overfishing in gag grouper.
- An independent fisheries scientist (Dr. Trevor Kechington) has been employed by a stakeholder group to review and comment on the gag stock assessment, and he gave a presentation to the Council. Dr. Kechington indicated that he thought the gag stock assessment was incorrect and the wrong value had been used to estimate natural mortality. Based on this, Dr. Kechington concluded that gag grouper were not undergoing overfishing, and therefore, drastic management

measures were unwarranted. This conclusion would need to be reviewed by the SSC (see below).

- The Gulf Council Reef Fish Advisory Panel, which is made up of stakeholders, has met and made specific recommendations to the Council regarding Amendment 30B. These recommendations differ with the alternatives set out in Amendment 30B, and will also be reviewed by the SSC.

**By law, a management plan designed to end overfishing in gag must be in place by January 2009. If final Council action does not occur until June or August 2008, it is unlikely that a plan would be in place by the January date. Therefore, NMFS will have to implement an Interim Rule to cover the time period before the plan amendment can be finalized and published in the federal register.**

*The FWC staff representative is a member of this Committee and has concerns regarding the inconsistency between the commercial closed season of February 15-March 15 and the recreational closed season that may be as long as four months. Staff also has concerns with the length of the recreational closed season and has therefore voted to use the alternative with the longest open season. Finally, staff would prefer Alternative 5 that would allow a no species specific aggregate bag limit; however, this alternative also has the longest associated recreational closed season. The Council will be considering the fact that effort in all fisheries is reported to be down from historical levels due to fuel prices, regulations, etc., and if the reduction in effort may be calculated into reducing the length of the closed harvesting season.*

**GROUPER MANAGEMENT, AMENDMENT 29** – The Council will continue to develop a public hearing document for the grouper/tilefish Individual Fishing Quota (IFQ) program. This program is being developed to address over capitalization in the commercial grouper/tilefish fishery. There is already an IFQ program for the commercial red snapper fishery in the Gulf, which was implemented January 2007. The grouper IFQ program is very complex and includes actions that address: 1) permit stacking; 2) minimum harvest threshold for eligibility; 3) qualifying years; 4) incidental bycatch; 5) definition of a substantial participant; 6) initial apportionment of quota; 7) transfer eligibility requirements; 8) quota ownership caps; 9) a use it or lose it provision; 10) a cost recovery program; 11) establishing certified landing sites; and, 12) provisions for a referendum vote. It is likely that public hearings will be conducted in the summer, and the amendment would be approved sometime in 2009 with implementation in 2010.

***The FWC staff representative is a member of this Committee and recommends supporting this amendment.***

### **AQUACULTURE**

The Council will continue to develop the Aquaculture Amendment, which would regulate offshore aquaculture operations. This amendment addresses a permitting process for offshore facilities, allowable species, and recordkeeping and reporting criteria.

***The FWC staff representative is a member of this Committee and recommends supporting this amendment.***

### **ad hoc ALLOCATION COMMITTEE**

The Council had its first meeting of the *ad hoc* Allocation Committee at their April meeting in Baton Rouge. The Committee charge is “*To study and develop consistent guidelines and principles for establishing allocations between recreational and commercial sectors in our FMPs (Fishery Management Plans). This committee will engage expertise from SSC (Science and Statistical Committee) and SEP (Socio-Economic Panel) and incorporate requirements of the Magnuson-Stevens Act and other applicable law and rules.*”

The SEP will convene a meeting in Tampa on May 14, 2008 to discuss the social and economic aspects of total allowable catch (TAC) allocations between the recreational and commercial fishing sectors. The Allocation Committee will meet again at the June meeting in Houston to review the findings of the SEP, and other supporting documents. It is anticipated that this Committee will be meeting on a regular basis for at least the next year, as this issue is not an easy one to reconcile.

**The FWC staff representative is a member of this Committee, and recommends that the allocation issue continue to be explored through this mechanism.**

### **SPINY LOBSTER**

The Council will review a public scoping document that will address spiny lobster minimum size limits for imported product. The document contains a range of alternatives designed to increase the ability of law enforcement to stop undersize lobster from being imported to the United States. These alternatives included a nationwide minimum size for imported spiny lobster tails of 5.5 inches. By implementing a simple possession law, much of the burden placed on law enforcement in developing a case against a suspected

importer of under-sized lobster is removed. The Caribbean Fishery Management Council will take the lead on developing the framework amendment to the spiny lobster fishery management plan for the Caribbean, the south Atlantic, and the Gulf of Mexico.

**The FWC staff representative is a member of this Committee and recommends continued development of this issue.**