

Science, Service, Stewardship

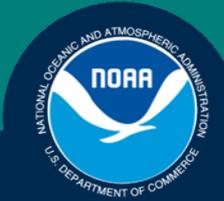


Case Study II: Gulf of Mexico Reef Fish Fishery

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NMFS Southeast Region Protected Resources
and
Gulf of Mexico Fishery Management Council
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Presentation Overview

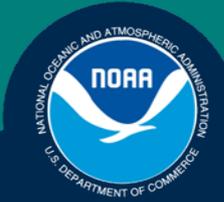
Protected Resources' Perspective – David Bernhart

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- Lessons Learned

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Protected Resources' Perspective

David Bernhart

ARA – Protected Resource Division

Southeast Regional Office



Overall Impression of the Process

This case was different than most, SER-PR most often consults on a nearly completed amendment

SER-PR provided a high level of staff support acting as species experts during amendment development to help inform Council decisions

SER worked to keep focus on the amendment development, tried to avoid tying the amendment and consultation together



Fishery Characteristics at the Time of Consultation

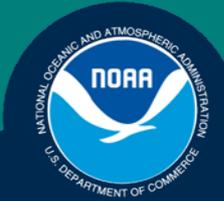
Targeted grouper species primarily on the western Florida shelf

Commercial and recreational grouper landings averaged 4.4 million pounds and 8.7 million pounds, respectively, from 2003-2007

Gag and red grouper were the primary target species

Commercial grouper fishery used bottom longline (BLL) and vertical line (VL) gear

- About 125 active BLL vessels
- About 760 active VL vessels



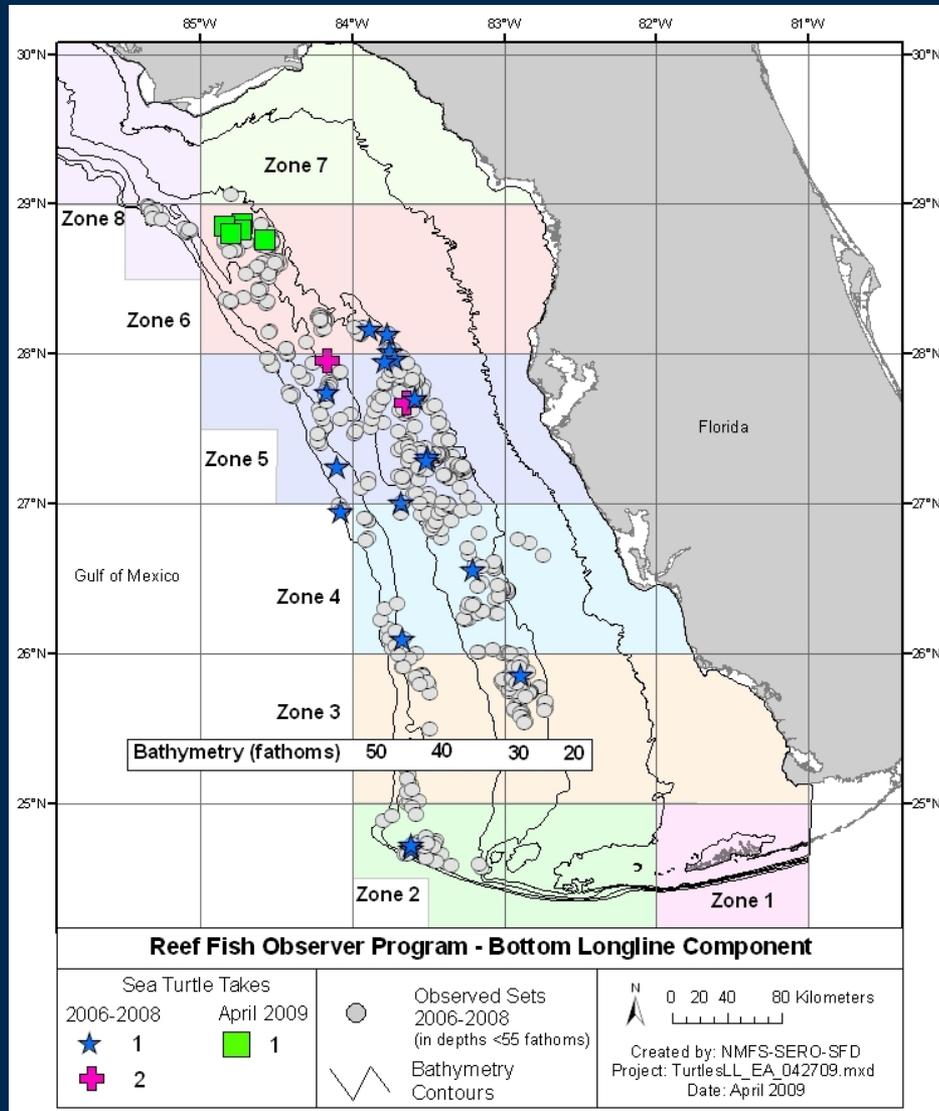
The Issue

September/October 2008

NMFS Southeast Fisheries Science Center (SEFSC) report indicated Gulf of Mexico reef fish BLL gear took between 339 and 1,884 loggerhead sea turtles (average of 800) over an 18-month period (07/06 –12/07)

Existing biological opinion on the fishery authorized 85 loggerhead sea turtles over 3-year period

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Timeline of Events

September 2008

SER-SF requests reinitiation of consultation because SEFSC sea turtle bycatch report indicates existing ITS has been exceeded

An interdisciplinary planning team consisting of NMFS and Council staff is formed to help prepare the scoping document and EIS



Timeline of Events

October 2008

SER-PR notifies the Council that ITS for existing biological opinion has been exceeded and a new consultation is needed

SER-PR notifies Council that management actions to reduce bycatch may be warranted

SEFSC staff reviews sea turtle bycatch estimates with Council

Council passes a motion to begin a scoping document identifying ways to minimize sea turtle bycatch in the Gulf of Mexico reef fish BLL fishery

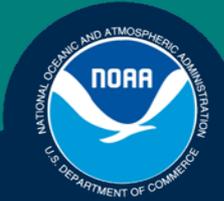


Timeline of Events

January 2009

Following extensive review of the bycatch report and the on-going activities of Gulf of Mexico reef fish fishery, SER determines continued authorization of the fishery does not violate Section 7(a)(2) or Section 7(d) of the ESA

Council requests NMFS publish a temporary emergency rule to immediately address sea turtle bycatch concerns



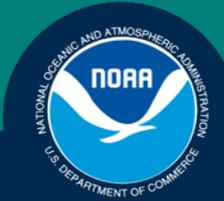
Timeline of Events

April-June 2009

SER receives: updated commercial BLL and VL sea turtle take estimates; statistical information on sea turtle data collected from Gulf recreational fisheries; a presentation on new loggerhead sea turtle population assessment.

May 2009

Per the Council's request, NMFS publishes temporary emergency rule creating a time/area closure prohibiting reef fish BLL gear (effective May 18, 2009-October 28, 2009)



Timeline of Events

June 2009 Council Mtg.

SEFSC staff presents findings on loggerhead sea turtle population assessment to Council's Reef Fish Committee

SER-PR staff provides a consultation assessment to Council

August 2009

SER-RA requests SER-PR consider additional ESA 4(d) rulemaking that would implement a BLL gear area closure and restrict the number of hooks that may be possessed onboard each vessel, as part of the proposed action in the biological opinion



Timeline of Events

August 2009

Council takes final action and votes to submit Amendment 31 to the Secretary

Council's preferred alternatives include:

- 1) Prohibit the use of BLL to target reef fish in the eastern Gulf, shoreward of 35 fathoms, June-August;
- 2) Establish a longline endorsement for vessels with demonstrated landings history >40,000 lbs annually;
- 3) Limit the number of hooks for reef fish longline vessels to 1,000 hooks, of which no more than 750 hooks can be rigged to fish



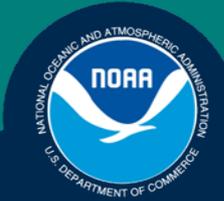
Timeline of Events

September 2009

SER-SF provides SER-PR a summary of estimated reductions in BLL effort for 2009 and 2010 associated with the management alternatives being considered in Amendment 31; consultation package is considered complete

September/October 2009

SER-PR develops the biological opinion evaluating the continued authorization of the fishery under Amendment 31 and additional rule making as proposed action



Timeline of Events

October 2009

NMFS uses ESA 4(d) authority to implement an emergency rule prohibiting the use of BLL gear to harvest of reef fish shoreward of 35-fathoms; and 2) limiting reef fish BLL vessels operating east of longitude $85^{\circ}30'W$ to have only 1,000 hooks onboard, of which only 750 are rigged for fishing



Timeline of Events

October 2009

NMFS concludes biological opinion on Amendment 31 and Emergency 4(d) rule, which determines the fishery will not jeopardize the continued existence of any ESA-listed species; an ITS with corresponding RPMs and Terms and Conditions is developed

November 2009

DEIS files with EPA

January 2010

Amendment 31 Publishes



Information Shared with Council to Inform the Process

Sea Turtle Bycatch Report – Observed sea turtle takes, observed fishing effort, fishery-wide effort (Fishery Logbook System database)

Loggerhead Nesting Information – Trends seen in loggerhead nesting based on Index Nesting Beach Surveys

Loggerhead Recovery Criteria – Information on what the recovery goals and criteria were and progress being made toward achieving them

Loggerhead Population Assessment – Review of the assessment and the information used in it

Sea Turtle Stranding Data – Sea turtle strandings information collected via the Sea Turtle Stranding and Salvage Network



Council Involvement in RPM/ITS Development

Because of the proactive work done by the Council to minimize impacts to sea turtles, they had little direct involvement with RPM and T&C development



Protected Resources' Lessons Learned

- 1) Under MSA, Councils have the authority to make changes to fisheries under their purview that can be very effective in protecting ESA-listed species
- 2) Using this authority gives Councils more opportunity to make their own decisions, rather than have those decisions dictated by NMFS via biological opinions
- 3) Because of experience with finfish stock assessments, Councils were reluctant to base management actions on the very little information available on sea turtle populations

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Council's Perspective

Kevin Anson

Gulf of Mexico Fishery Management Council



NMFS/Council Coordination

NMFS provided information early in the process. However, loggerhead sea turtle stock status information was not provided until the meeting where Amendment 31 was approved and sent to the Secretary

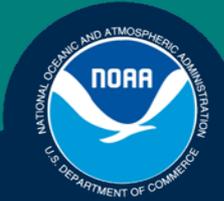
Comments provided by Council members during meetings ultimately became the basis for some of the Reasonable and Prudent Measures (RPM)

Council is awaiting updated results for the increased sampling efforts as identified in RPM #3



Council's Concerns Regarding Available Data

- 1) Council members were concerned about low observer coverage (<2.2%) considering temporal and spatial characteristics of the fishery and high variability within data
- 2) Although observer and nesting data were the best available (as determined by SSC), the Council preferred a stock assessment of sea turtles which included takes from all anthropogenic sources
- 3) Additional data (i.e., bait size/preference for adult loggerhead turtles) may have helped the Council better understand what management options were available to reduce sea turtle bycatch; possibly leading to less detrimental management alternatives to the fishery



Council's Lessons Learned

- 1) Council felt the available data was inadequate to effectively address specific issues in the BLL component of the fishery
- 2) Stock status of loggerhead sea turtles lacked basic life history information which greatly influenced stock projections
- 3) Council members struggled to select Action alternatives to reduce sea turtle bycatch when NMFS could not provide an estimate of bycatch reduction needed to avoid a jeopardy
- 4) It would be helpful if reduction targets were available at the start of amendment process to guide Council decisions on practicable measures which avoided jeopardy