



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

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www.gulfcouncil.org

October 23, 2017

Dear [respective state director/commissioner]:

The Council is exploring the establishment of state management programs for each Gulf State to manage the recreational harvest of red snapper in federal waters adjacent to that state. The Council is considering two approaches for *delegation* of authority to the respective states. The first *delegation* alternative delegates the authority to manage only season structure and bag limit for the state-assigned portion of the recreational sector's annual catch limit (ACL). The second *delegation* alternative has yet to be defined, but would delegate a broader range of management measures. Thus, this letter provides a list of relevant management measures the Council could delegate to a state, and requests you provide a detailed list of those management measures your state would like to establish for the recreational harvest of red snapper under the second alternative.

Under the *delegation* alternatives, the National Marine Fisheries Service would modify the *Code of Federal Regulations* to remove those federal management measures applicable to the recreational harvest of red snapper management that are delegated to the respective Gulf States (e.g. the dates and structure of the fishing season and bag limit). Under the Magnuson-Stevens Act, in order for the delegation to apply, the States laws and regulations must be consistent with the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), which would include constraining the recreational harvest of red snapper to the state's portion of the recreational quota. This would likely require the monitoring of recreational landings of red snapper, either through a state's monitoring program or through the Marine Recreational Information Program, as appropriate. Note that under the first delegation alternative (season structure and bag limit) a state could establish regional seasons. For example, the State of Florida could establish separate west Florida shelf and Florida Panhandle fishing seasons.

To delegate any aspects of the management of the recreational harvest of red snapper requires the Council to specify the scope of the delegation in the amendment. While some federal regulations are specific to red snapper, the majority are applicable to all reef fish or fishing in general. Because the state management amendments would be specific to the recreational management of red snapper, the *delegation* would also be specific to the recreational harvest of red snapper. The following list includes management measures in existing federal regulations that your state may want included in the *delegation*. The list is divided into three sections: (1)

regulations that are specific only to red snapper, (2) regulations that are applicable to all reef fish, and (3) regulations that are general to all fishing in federal waters.

Red snapper specific

- Remove prohibition on for-hire captains and crew from retaining a bag limit of red snapper.
- Allow a state to modify the annual catch target (ACT) or manage toward the ACL.

Reef Fish

- Expand required fishing gear beyond the use of non-stainless steel circle hooks when fishing with natural baits and possession of a dehooking device. For example, at this time, the Council decided not to require possession of descending devices, but rather, to develop a policy for the use of descending devices alongside an outreach and education program regarding their proper use.
- Expand the fishing gear and methods that are currently prohibited (i.e., the use of powerheads within the stressed area and prohibition on use of poisons to harvest reef fish). Additional gear and methods are prohibited in general, including explosives, toxic chemicals, fish traps, and use of reef fish as bait. Similar to the prohibition on certain fishing gear, possession of reef fish exhibiting trap rash or damage from a powerhead is currently prohibited.
- Establish gear restricted areas, similar to Alabama's special management zone (SMZ), within which regulations specific to recreational gear use could be assigned for the harvest of red snapper. These areas could not restrict access by commercial vessels and must apply to all recreational vessels regardless of homeport state.

General

- Reopen the fishing season if the state's portion of the ACL is determined to not be met, provided the state is able to constrain total landings to its portion of the ACL.
- Allow anglers to possess more than one bag limit per day if making more than one trip per day.

There may be additional management measures your state would like to consider in its state management program that are not listed above. Please add those measures to your list.

Under *delegation*, red snapper would remain a federally managed species in the Reef Fish FMP and would remain subject to all of the Magnuson-Stevens Act requirements, including 16 U.S.C. §1883(d), which requires a prohibition on recreational harvest of red snapper in federal waters when the total quota is determined to have been caught.

Management measures that cannot be delegated include those that are required to be in the Reef Fish FMP (such as specification of maximum sustainable yield, optimum yield, status determination criteria, and annual catch limits), or that affect all states or the commercial sector. These include:

- Federal permitting requirements, including renewal and transferability requirements.

- Reporting requirements for for-hire vessels selected by the Science and Research Director to participate in the southeast region headboat survey.
- Sea turtle release protocols and gear; smalltooth sawfish conservation measures.
- Area closures to protect Gulf reef fish within Madison Swanson, Steamboat Lumps, and The Edges. Establishing SMZs or marine protected areas in federal waters that restrict access by commercial vessels.
- Setting ACLs for each angling component.
- Post-season accountability measures, which will need to be modified by the Council to account for state management programs.

The Council will review a draft of the State Management Program for Recreational Red Snapper Amendment and the five related individual state management amendments at its January 29-February 1, 2018, meeting. To accommodate this timeline, we respectfully request a written response to this letter by January 12, 2018. If you have any questions, please contact Dr. Ava Lasseter at the Council office.

Sincerely,

Leann Bosarge, Chairman
Gulf Council

AL/kh

c: Gulf Council
Gulf Council Staff
Mara Levy
Lauren Waters
Sue Gerhart
Jack McGovern
Andy Strelcheck



January 12, 2018

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Leann Bosarge
Chair
Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue
Tampa, FL 33607

Re: Delegation Preferences for State Management of Red Snapper

Dear Ms. Bosarge:

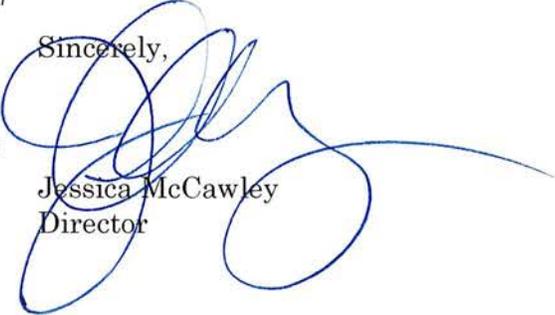
In response to the Gulf of Mexico Fishery Management Council's letter dated October 23, 2017, the Florida Fish and Wildlife Conservation Commission (Commission) recently discussed potential state management of the federal recreational red snapper fishery off Florida via the Council process. If management authority for the recreational red snapper fishery in federal waters off Florida is delegated to the state, the Commission would request the ability to use a broad suite of management tools that provide maximum flexibility in managing the fishery. Specifically, the Commission would request delegation of the following abilities:

- set seasons, size limits, bag limits (daily or per trip), and these tools be available to use regionally;
- modify the gear that could be used to harvest red snapper (e.g., descending devices);
- establish area- or depth-specific gear regulations;
- implement an angler registry for data collection or require angler reporting;
- manage toward the Florida annual catch limit (ACL) or adjust the Florida annual catch target (ACT) so that the ACL/ACT is met; and
- establish multi-year ACLs.

The Commission believes delegation of these management measures would be necessary for successful management of the recreational red snapper fishery in federal waters off Florida.

If you have questions about this request, please contact me or Martha Guyas in the Division of Marine Fisheries Management at 850-487-0554.

Sincerely,


Jessica McCawley
Director



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES

JACK MONTOUCKET
SECRETARY

January 11, 2018

Leann Bosarge, Chairman
Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue, Suite 1100
Tampa, Florida 33607

Dear Ms. Bosarge,

The State of Louisiana has taken the lead in promoting state or regional management for reef fish species such as red snapper. Our current preferred alternative in the Gulf Council's draft amendment for Louisiana Management for Recreational Red Snapper is to establish a program that delegates some management authority (season structure and bag limit) in federal waters to the state of Louisiana. While this alternative satisfies our needs for flexibility in managing the recreational red snapper fishery in federal waters, we and other representatives on the Gulf Council selected this preferred alternative prior to a motion being made for other states to review an alternative for full delegation.

According to your October 23, 2017 letter, the Gulf Council is now considering a second delegation alternative which "has yet to be defined, but would delegate a broader range of management measures." We find it difficult to respond to your request for a detailed list of management measures to include in the second delegation alternative without further definition of this alternative from the Gulf Council and/or NOAA Fisheries. However, upon reviewing potential management measures for delegation, Louisiana would like to consider the following in future deliberations:

- Option to allow the captain and crew on for-hire vessels to retain their bag limit of red snapper. The for-hire component has not landed their portion of the recreational annual catch limit (ACL) since Reef Fish Amendment 40 was passed. Removing this prohibition may help this component attain their share of the catch. Louisiana can survey the state's federally permitted for-hire captains to determine if they prefer this measure in lieu of a slightly longer fishing season.
- Allow Louisiana the flexibility to manage closer to the ACL rather than the annual catch target (ACT) and remove or modify existing buffers. Through LA Creel, the state has demonstrated its ability to constrain recreational harvest to the ACL.
- Establish a carryover provision for unharvested quota (minus natural mortality) to be added to the next season from the previous season.
- Allow Louisiana to grant anglers a different bag limit (such as four fish) in lieu of a longer season, if they so desire.

Thank you for the opportunity to request additional items for research and review. We look forward to further discussing and understanding this second delegation alternative as well as potential management measures to be included under this alternative.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick Banks', with a large, stylized flourish above the name.

Patrick Banks, Assistant Secretary for Fisheries
Louisiana Department of Wildlife and Fisheries